Kashmir and U.N.O.

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Kashmir Through Ages—5

Kashmir and U.N.O.

S.R. Bakshi

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Preface

The valley of Kashmir, Ladakh and Jammu ruled by Hindu, Muslim, and Dogra rulers pose a serious problem on account of their geographical situatioin. Its beautiful and scenic beauty of mountains, rivers, lakes, several kinds of fruit, flora and fauna and healthy climate, attract the attention of millions of tourists from all over the world. Rightly compared with Switzerland in many ways, people throng here to enjoy their time at several places which indeed have historical and religious importance. You may find here old mouments, temples and mosques built here long time back. The carpets, shawls handicrafts, apples and other fruits catch the attention of exporters all over the world. Millions of rupees are collected from these exports.

I have dealt with numerous themes having bearing on the Kashmir valley. These are geography, people, cradle of several races, Ladakh—its people and culture, Muslim, Aghan, Sikh and Dogra rulers, Gilgit, Buddhist monuments, Srinagar—the valley, food-habits of people, rivers and towns, the Kashmiri Pandits, social life, society and religion, lakes-Dal Lake and Wular Lake, temples, folklore and folk-songs, Sheikh Abdullah as leader, internal problems, political correspondence, speeches of Sheikh Abdullah, Bakshi Ghulam Mohammad, problem of accession, role of the Security Council, role of Frank Graham and Gunnar Jarring, speeches of Menon Chagla and statement by Mridula Sarabhai.

I have collected the material from several institutions, viz.

the Nehru Memorial Museum and Library, Delhi University Library, Jawaharlal Nehru University Library, Sapru Huse Library, Parliament House Library and last but not the least, Indian Council of Historical Research Library, New Delhi. I feel much beholden to the authorities of these institutions for their academic support to me during my researches.

—S. R. Bakshi

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1

Problem of Accession

INDIAN INDEPENDPNCE ACT 1947, PASSED BY THE BRITISH PARLIAMENT ON JULY 17, 1947

The suzerainty of His Majesty over the Indian States lapses, and with it all treaties and arrangements in force at the date of the passing of this Act between His Majesty and the Rulers of Indian States.

LORD MOUNTBATTEN'S ADDRESS TO PRINCES—JULY 25, 1947

There had been universal acceptance among the states of the Cabinet Mission's Memorandum of 12th May and when the political parites accepted the settlement of 3rd June, they fully realised and accepted that withdrawal of paramountcy would enable the states to regain complete sovereignty.

The Indian Independence. Act releases the States from all their obligations to the Crown. The States will have complete freedom technically and legally they become independent.

In the Cabinet Mission Plan of May 16, 1946, the proposal was that the States should surrender to the Central Goverenment three subjects—Defence, External Affairs and Communitcations. These subject have got to be handled for you, for your convenience and advantage, by a larger organization. This seems so obvious that I was at a loss to understand why some Rulers were reluctant to accept the position. One explanation probably was that some of you were apprehensive that the Central Government would attempt to impose a financial liability on the States or encroach in other ways on that sovereignty. If I am right in this assumption at any rate so far as some princes are concerned, I think I can dispel their apprehensions and misgivings. The Draft Instrument of Accession which I have caused to be circulated as basis for discussion to representatives of the States provides that the States accoede to the appropriate Dominions on the three subjects only without any financial liability. Further, that Instrument contains an explicit provision that in no other matter has the Central Government any authority to encroach on internal autonomy or the sovereigny of the States. This would in my view, be a tremendous achievement for the States.

I have no doubt that this is in best interest of the States, and every wise Ruler and wise Government would desire to link up with the great Dominion of India on basis which leaves you great internal autonomy and which at the same time gets rid of your worries and cares over External Affairs, Defence and communications.

The whole country is passing through a critical period. I am not asking any State to make any intolerable sacrifice of either its internal autonomy or independence. My scheme leaves you with all the practical independence that you can possibly use and makes free of all these subjects whcih you cannot possibly manage on your own. You cannot run away from the Dominion Government which is your neighbour any more than you away from the subject for whose welfare you are responsible.

STANTDSTILL AGREEMENT WITH PAKISTAN

Identical telegrams were sent by the Prime Minister of Kashmir to Dominions of India and Pakistan on August 12, 1947. The text is as follows :

Jammu and Kashmir Government would welcome standstill Agreement with India (Pakistan) on all matters on which there exist at present moment with outgoing British India Government. It is suggested that existing agreements should continue pending settlement of details and formal execution of fresh agreement.

Reply from the Government of Pakistan on August 15, 1947

Your telegram of the 12th. The Government of Pakistan agree to have a standstill Agreement with the Governmnt of Jammu and Kashmir for the continuance of the existing arrangements pending settlement of details and formal execution of fresh agreements.

The Reply of Government of India

"Geovernment of India would be glad if you or some other Minister duly authorised in this behalf could fly to Delhi for negotiating standstill Agreement between Kashmir Government and Indian Dominion. Early action desirable to maintain intact existing agreements and administrative arrangemetns."

The representative of Kashmir did not visit Delhi and no Standstill Argeemenet was concluded between the State and the Dominion of India.

Letter of 26th October 1947, from Maharaja Sir Hari Singh to Lord Mountbatten, Requesting the Accession of the State to India.

My Dear Lord Mountbatten,

I have to inform your Execellency that a grave emergency has arisen in my State and request the immediate assistance of your Government. As your Excellency is aware, the State of Jammu and Kashmir has not acceded to either the Dominion of India or Pakistan. Geographically my state is contiguous with both of them. Besides my state has common boundary with the Union of Soviet Socialist Republic and China. In their external relations the Dominions of India and Pakistan cannot igonore this fact. I wanted to take time to decide to which

Dominion I should accede or whether it is not in the best interests of both the Dominions and of my state to stand independent, of course with friendly and cordial relations with both. I accordingly approahed the Dominions of India and Pakistan to enter into a standstill agreement with my state. The Pakistan Government accepted the arrangement. The Dominion of India desired further discussion with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government under the standstill agreement is operating the post and telegraph system inside the state. Though we have got a standstill agreement with the Pakistan Government, that Government permitted a steady and increasing strangulaiton of supplies like food, salt and petrol to my state.

Afridis,soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate into the state, at first in the Poonch area, then from Sialkot and finally in a mass in the area adjoining the Hazara District on the Ramkote side. The result has been that the limited number of troops at the disposal of the state had to be dispersed and thus had to face the enemy at several points simultaneously, so that it has become difficult to stop the wanton destruction of life and property and the looting of the Mahura power house, which has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the state are marching on with the aim of capturing Srinagar, the summer capital of my Government, as a first step to overrunning the whole state. The mass infiltration of tribesmen drawn from the distant areas of the North-West Frontier Provine, coming regularly in motor trucks, using the Mansehra-Muzaffarabad road and fully armed with up-to-date weapons, cannot possibly be done without the knowledge of the Provincial Government of the North-Weat Frontier Province and the Government of Pakistan. In spite of repeated appeals made by my Government no attempt has been made to check these raiders or to stop them from coming into my state. In fact, both the radio and the Press of Pakistan have reported these occurrences. The Pakistan radio even put out the story that provisional government has been set up in Kashmir. The people of my state both Muslims and non-Muslims, generally have taken no part at all.

With the conditions obtaining at present in my state and the great emergency of the situation as it exists, I have no option but ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my state acceding to the Dominion of India. I have accordingly decided to do, and I attach the instrument of accession for acceptance by your Government. The other alternative is to leave my state and my people to freebooters. On this basis no civilised Government can exist or be maintained. This alternative I will never allow to happen as long as I am the ruler of the state and I have life to defend my country.

I may also inform Your Excellency's Government that it was my intentioin at once to set an interim government and to ask Sheikh Abdullah to carry the responsbilities in this emergency with my Prime Minister.

If my state is to be saved, immediate assistance must be available at Srinagar. Mr. V. P. Menon is fully aware of the gravity of the situaiton and will explain it to you, if further explanation is needed.

In haste and with kindest regards,

Your Sincerely,
(Signed) Hari Singh.

Reply of 27 October 1947, from Lord Mountbatten to Maharaja Sir Hari Singh

My Dear Maharaja Sahib,

Your Highness's letter dated 26th Octobe 1947 has been delivered to me by Mr. V. P. Menon. In the special circumstances mentioned by your Highness, my Government have decided to accept the accession of Kashmir state to the Dominion of India. In consistence with their policy that in the case of any state where the issue of accession has been the subject of dispute, the question of the accession has be decided in accordance with the wishes of the people of the sate, it is my Government's wish that, as soon as law and order have been restored in Kashmir, and its soil cleared of the invaders, the question of state's accession be settled by areference to the people.

Meanwhile in reponse to your Highness appeal for military aid, action has been taken today to send troops of the Indian Army to Kashmir, to help your own forces to defend your territory and to protect the lives, property and honour of your people. My Government and I note with satisfaction that your Highness has decided to invite Sheikh Abdullah to form an interim government to work with your Prime Minister.

(Signed) Mountbatten of Burma

Acceptance of Accession by the Governor Geneal of India

I do hereby accept this Instrument of Accession.

Dated this twenty-seventh day of October, ninteen hundred and forty-seven.

Mountbatten of Burma

Governor General of India.

The Instrument of Accession

Whereas the Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as India, and the Government of India. Act 1935, shall, with such omission, additions, adaptations and modifications as the Governor General may by order specify, be applicable to the Dominion of India.

And whereas the Government of India Act, 1935, as so adapted by the Governor General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof :

Now, therefore, I Shriman Inder Mahender Rajrajeshwar

Maharajadhiraj Shri Hari Singhji Jammu and Kashmir Naresh Tatha Tibet adi Deshadhipathi, Ruler of Jammu and Kashmir State, in the exercise of my sovereignty in and over my said state do hereby execute this Instrument of Accession and

1. Thereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Febderal Court and any other Dominion authority established for the purpose of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relatioin to the State of Jammu and Kashmir (herein after referred to as this state) such function as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th Day of August 1947, (which Act as so in force is hereafter referred to as the Act).

2. I herby assume the obligation of ensuring that due effect is given to rovision of the Act within this state so far as they are appliable therein by virtue of this Instrument of accession.

3. I accept the matters specified in the schedule hereto as the matters with respect to whcih the Dominion Legislature may make laws for the state.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the ruler of this State whereby any function in relation to the administration in this state of any law of the Dominion Legislature shall be exercised by the Ruler of this state, then any scuh agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act 1947, unless such is accepted by my Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion

Legislature to make any law this state authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this state deem it necesary to acquire any law which applies in this state deem it necessary to acquire any land, I will at their requst acquire the land at their expense, or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit in any way to acceptance of any future Constitution of India or to fetter any discretion to enter into agreement with the Government of India under any such future Constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this state, or, save as provided by or under this Instrument, the exercise of any power authority and right now enjoyed by me as Ruler of this state or the validity. of any law at present in force in this state.

9. I hereby declare that I execute this Instrument on behalf of this state and that any reference in this Instrument to me or to the Ruler of the state is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, nineteen hundred and forty seven.

—Hari Singh

Maharajadhiraj of Jammu and Kashmir State.

2

In Security Council—I

Resolution of the Security Council of January 17, 1948

The Security Council,

Having heard statements on the situaiton in Kashmir from representatives of the Government of India and Pakistan;

Recognizing the urgency of the situaiton;

Taking note of the telegram addressed on 6 January by its President to each of the parties and of their replies thereto;

Calls upon both the Goverenmnt of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people in which they announce their intention to conform to the Charter) calculated to improve the situation, and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation.

And further requests each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under the consideration of the Council, and consult with the Council thereon.

Resolutioin of the Security Council of January 20, 1948

The Security Council,

Considering that it may investigate any dispute or any situaiton which might, by its continuance, endanger the maintenance of international peace and security; that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency;

Adopts the following resolution :

A. A commission of the Security Council is hereby established, composed of representatives of three members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designated by the two so selected.

Each representative on the Commission shall be entitled to select his atlernate and assistants.

B. The Commission shall proceed to the spot as quickly as possible. It shall act under the auhority of the Security Council and in accordance with the directions it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.

C. The Commissioin is invested with a dual functions.

(1) In regard to the situation in the Jammu and Kashmir State set out in

(2) To exercise, without interruity the work of the Security Council, any mdiatory influence likely to smooth away difficulties; to carry out the directions given to it by the Security Council have been carried out.

D. The Commission shall perform the functions described in Clause C :

(1) In regard to the situatioin in the Jammu and Kashmir State set out in the letter of the representative of India addressed to the President of the Security Council, dated 1 January 1948,

and in the letter form the Minister of Foreign Affairs in Pakistan addressed to the Secretary-Genreal, dated 15 January 1948; and

(2) In regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs.

E. The Commission shall take its decision by majority vote. It shall determine its own procedure. It may allocate among its members, alternate members, their assistants, and its personnel such duties as may have to be fulfilled for the realization of its mission and the reaching of its conclusions.

F. The Commission, its members, alternate members, their assistants and its personnel, shall be entitled to journey, separately or together, wherever the necessities of their taskes may require, and, in partcular, within those territories which are the theatre of the events of which the Security Council is seized.

G. The Secretary-General of the United Nations shall furnish the Commission with such personnel and assistance as it may consider neccessary.

Resolution of the Security Council of April 21, 1948

The Security Council,

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu Kashmir;

Having heard the representative of India in support of that complaint and the reply and counter-complaints of the reprsentative of Pakistan;

Being strongly of the opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should to their utmost to bring a cessation of all fighting;

Noting with satisfaction that both India and Pakistan desire that the questioin of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite;

Considering that the continuation of the dispute is likely to endanger international peace and security;

Reaffirms the Council's resolution of 17 January;

Resolves that the membership of the Commission etablished by the resolution of the Council of 20 January 1948, shall be increased to five and shall include in addition to the memberhip mentioned in that resolution, representatives of....and....and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five;

Instructs the Commission to proceed at once to the Indian Sub continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite, by the two Governments, acting in co-operating with one another and with Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution, and to this end.

Recommends to the Governments of India and Pakistan the following measures as which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

1. The Government of Pakistan should undertake to use its best endeavours :

(a) to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State;

(b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

2. The Government of India should :

(a) When it is established to the saatisfaction of the Commission set up in accordance with the Council's resolution of 20 January that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order :

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage;

(c) When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commision for the stationing of the remaining forces to be carred out in accordance with the following principles :

(i) That the presence of troops should not afford intimidation or appearance of intimidatioin to the inhabitants of the State;

(ii) That as small a number as possible should be retained in forward areas;

(iii) That any reserve of troops which may be included in the total strength should be located within their present base area.

3. The Government of India should agree that until such time as the Plebiscite Administration referred to below finds it necessary to exercise the powers of direction and supervision over the State Forces and police provided for in paragraph 8, they will be held in areas to be ageed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2 (a) above has been put into operation, personnel recurited locally in each district should so far as possible be utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specially by the Plebiscite Administration referred to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacifiation.

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible repesentatives to share equitably and fully in the conduct of the administration at the Ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should, at the request of the Plebiscite Administration, make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its finctions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator;

(b) The Plebiscite Administratior, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate his assistants and other subordinates and to draft regulations govening the plebiscite. Scuh niminees should be formally appointed and such draft regulatioins should be formally promulgated by the State of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite;

(d) The terms of service of the Administractor should form the subject of a separate negotiation between the Secretary-Geneal of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates;

(e) The Administrator should have the right to communicate directly with the Government of the State and with the Commissioin of the Security Council and, through the Commission, with the Security Council, with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the plebiscite.

11. The Government of India should undertake to prevent, and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and inviting on question of the accession of the State and that there will be freedom of the Press, speech and assembly

and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India ensure that the Government of the State release all political prisoners and take all possible steps so that :

(a) All citizens of the State who have left it on account of disturbances are invited, and are free to return to their homes and to exercise their rights as such citizens.

(b) There is no victimization;

(c) Minorties in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite ceritfy to the Council whether the plebiscite has or has not been really free and impartial.

C. General Provisions

16. The Governments of India and Pakistan should each be invited to niminate a representative to be attached to the Commission for scuch assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observrs as it may require of any of the proceedings in pursuanece of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the tasks assigned to it herein.

Resolution of the Commission of August 13, 1948

The United Nations Commissions for India and Pakistan.

Haviang given careful consideration to the points or veiw expressd by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the corection of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Government of India and Pakistan in effecting a final settlement of the situation,

Resolves to submit sumultaneously to the Government of India and Pakistan the following proposal :

Part I Cease-Fire Order

A. The Government of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measure that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals forces under their control shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective aides.)

C. The Commanders-in Chief of the forces of India and Pakistan shall promptly confer regarding any necessary focal changes in present dispositions which may facilitate the cease-fire.

D. in its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with co-operation of both Commands, will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of furthér negotiations.

Part II Truce Agreement

Simultaneously with the acceptance of the proposal for the immediate cessation of bostilities as outlined in Part I, both Government accept the following principles as a basis for the formulatiions fo a ture agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a meterial change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir fo tribessmen and Pakistani nationals not normally rsident therein who have entered the State for the purpose of fighting.

3 Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities unde the surveillance of the Commission.

B

1. When the Commission shall have notifed the Government of India that the tribesmen and Pakistani nationals referred to in Part II, A, 2 hereof have withdrawn, thereby terminating the situaiton which was represented by the Government of India to the Security Counicl as having occasioned the presence of India forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commissioin.

2. Pending the acceptance of the conditions for a final setlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government ofthe State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C

1. Upon signature, the full text of the truce agreement or a communique containing the principles thereof as areed upon between the two Governments and the Commission will be made public.

Part III

The Government of India and the Government of Pakistan reafirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Government enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

Resolution of the Commission of January 5, 1949

The United Nations Commission for India and Pakistan,

Having received from the Government of India and Pakistan in communications dated 23 December and 25 December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's Resolution of 13 August 1948 :

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the

democratic method of a free and impartial plebiscite;

2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948 have been carried out and arrangements for the plebiscite have been completed;

3. (a) The Secretary-General of the United Nations will, in agreement with the Commission nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.

(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.

(c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.

4. (a) After implmentation of Parts I and II of the Commission's resolution of 13 August 1948, andwhen the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State and the freedom, such disposal to be with due regard to the security of the State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.

(b) As regards the territory referred to in A. 2 of Part II of the resolution of 13 August, final disposal of of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operative with the Plebscite Administrator in the preparation for and the holding of the Plebiscite.

6. (a) All citizens of the State who have left it on account of the disturbances will be unvited and be free to return and to exercise all their rights as such citizen. For the purpose of facilitating repatriation there shall be appointed two Commission one composed of nominess of India and the other of nominees of Pakistan. The Commission shall operate under the direction of the Plebiscite Administrator. The Government of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.

(b) All persons (other than citizens of the State) who on or since 15 August 1947 have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that :

(a) There is no threat, coercion, or intimidation, bribery or other undue influence on the voters in the plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regadless of creed, or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commissioin and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial;

10. Upon the signatue of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part IIi of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will by fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordeing a cease-fire to take effect from one minute before midnight of 1 January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

Resolves to teturn in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948 and by the foregoing principles.

Resolution of the Security Council of March 14, 1950

The Security Council,

Having received and noted the reports of the United Nations Commission for India and Pakistan, established by the resolutions of 20 Janrary and 21 April 1948.

Having also received and noted the report of General A. G. L. Mc Naughton of the outcome of his discussions with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949.

Commending the Government of India and Pakistan for their statesmanlike action reaching the agreements embodied in the United Nations Commission's resolutions of 13 August 1948 and 5 Jaruary 1949 for a cease-fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite and commending the parties in particular for their action in partially implementing these resolutions by

(1) The Cessation of hostilities effected 1 January 1949;

(2) The establishement of a cease-fire line on 27 July, and

(3) The agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator.

Considering that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forthwith for the demilitarization of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants.

1. Calls upon the Government of India and Pakistan to make immediate arrangements without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolutiona programme of demilitarization on the basis of the principles of paragraph 2 of General Mc Naughton's proposal or of such modification of those principles as may be mutually agreed;

2. Decides to appoint a United Nations Representative for the following purpose who shall have authority to perform his functions in such place or places as he may deem appropriate :

(a) To assist in the preparation and to superivise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization,

(b) To place himself at the disposal of the Government of India and Pakistan andto place before these Government or the Security Council any suggestion which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir,

(c) To exercise all of the powers and responsibilities devolving upon the United Nations Commission by reason of existing resolutions of the Security Council and by reason of the agreement of the Parties embodied in the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949.

(d) To arrange at the appropriate stage of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties.

(e) To report to the Security Council as he may consider necessary submitting his conclusions and any recommendations which he may desire to make;

3. Request the two Governments to take all necessary precautions to ensure that their agrements regarding the cease-fire shall continue to be faithfully observed, and calls upon to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of fourther negotiations;

4. Extends its best thanks to the membres of the United Nations Commission for India and Pakistan and to General A. G. L. McNaughton for their arduous and fruitful labours;

5. Agrees that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take poace one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of their acceptance of the transfer to him of the powers and responsibilities of the Union Nations Commission referred to in paragraph 2 (c) above.

Resolution of the Security Council of March 30, 1951

Having received and noted the report of Sir Owen Dixon, the United Nations Respresentatives for India and Pakistan on his mission initiated by the Security Council resolution of 14 March 1950;

Observing that the Government of India and Pakistan have accepted the presions of the United Nations Commission for India and Pakistan resoluions of 13 August 1948 and 5 January

1949 and of the Security Council resolution of 14 March 1950, and have re-affirmed their desire that the future of the State of Jammu and Kashmir shall be decieded through the democratic method of a free impartial plebiscite conducted under the auspices of the United Nations.

Observing that on 27 October 1950 the General Council of the "All Jammu and Kashmir National Conference" adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the "future shape and affiliations of the State of Jammu and Kashmir"; observing further from statements of responsible authorities that area from which such a Constituent Assembly would be elected is only a part of the whole territory of Jammu and Kashmir.

Reminding the Governments and Authorities concerned of the principle embodied in the Security Council resolutions of 21 Aprial 1948, 3 June 1948 and 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Affirming that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference," and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle;

Declariang its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance it international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of dispute is of vital importance to the maintenance of international peace and security;

Ovserving from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were :

(a) The procedure for and the extent of demilitarization of the State preparatory to the holidng of a plebiscite, and

(b) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite;

The Security Council,

1. Accepts, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;

2. Decides to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;

3. Instructs the United Nations Representative to proceed to the Sub-continent and, after consuftation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions fo 13 August 1948 and 5 Januray 1949;

4. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarizations of the State of Jammu and Kashmir;

5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agrement of the parties to a plan for effecting such demilitarization the United Nations Rspraesentative shall report to the Security Council those points of difference between the parties in regared to the interpretation and execution of the agreed resolutions fo 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out;

6. Calls upon the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations

Representiave in accordance with paragraph 5 above such arbitration to be carried out by an Aribitrator, or a panel of Arbitrators, to be appointed by the President of the Intentional Court of Justice after consultation with the parties;

7. Decides that the Military Observer group shall continue to supervise the cease-fire in the State;

8. Requests the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible measures to ensure the creation and maintenance of an atmsphere favourable to the prmotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement;

9. Requests the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution.

Resolution of the Security Council of January 24, 1957

The Security Council,

Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir,

Reminding the Governments and Authorities concerned of the principle embodied in its resolutions of 21 April 1948, 3 June 1948, 14 March 1950 and 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people experssed through the democreatic method of a free and impatial plebiscite conducted under the auspices of the United Nations.

Reaffirms the affirmation in its resolution of 30 March 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any acton that Assembly may taken or might attempt to take to detemine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle;

Decides to continue its onsideration of the dispute.

Resolution of the Security Council of February 21, 1957

The Security Council,

Recalling its resolution of 24 January 1957, its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Parkistan question,

1. Requests the President of the Security Council the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to constribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Counicl and of the United Nations Commission for India and Pakistan; to visit the sub-continent for this purpoe; and to report to the Security Council not latter than 15 April 1957;

2. Invites the Governments of India and Pakistan to co-operate with him in the performance of these functions; and

3. Requests the Secretary-General and the United Nations Representative for India and Pakistan to render such assistance as he may request.

Resolution of the Security Council dated January 17, 1948 (S/651)

The Security Council, having heard statements on the situation in Kashmir from representatives of the Governmetns of India and Pakistan; recognizating the urgeny of the situation, taking note of the telegram addressed on January 6 by its President to each of the parties and of their replies thereto; and in which they affirmed their intention to conform to the charter; calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situatioin; and further requests each of those Governments to inform the Council immeiately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideratin by the Council, and consult with the Council thereon.

Resolution of the Security Council, Dated January 20, 1948

The Security Council, considering that in may investiate any dispute or any situaiton which might be its continuance endanger the maintenance of international peace and security, and that, in the existing state of affairs between India, adopts the following resolutions :

(a) A Commission of the Security Council is hereby established, composed of representatives of three members of the United Nations, one to be selected by India, mone to be selected by Pakistan, and the thired to be designated by the two so selected. Each representative of the Commission shall be entiled to select his alternatives and assistants.

(b) The Commission shall proceed to the spot a quickly as possible. It shall act under authority of the Security Council, and in accordance with direction it may receive from it. It shall be keep the Security Council currently informed of its activities and of the development of the situation.

It shall report to the Security Council regularly, submitting its conclusions and proposals.

(c) The Commission is invested with a dual function, firstly to investigate the facts pursuant to Article 34 of the Charter, secondly to exercise, without interrupting the work of the Security Council, any mediatory influence likely to amooth away the difficulties,to carry out directions given to it by the Security Council and to report how far advice and directions if any, of the Security Council have been carried out.

(d) The Commission shall perform the functions described in clause (c), firstly in regared to the situation in Jammu and Kashmir state set out in a letter of the representative of India, addressed to the President of the Security Council, dated January 1, 1948, and in the letter from the Minister of Foreign Affairs of Pakistan, addressed to the Secretary-General, dated January 15, 1948, when the Security Council so dimrects.

(e) The Commmission shall take its decision by a majority vote. It shall determine its own procedure. It may allocate among its members alternate members their assistants, and its personnel, such duties as may have to be dulfilled for the realization of its mission and the reaching of its conclusions.

(f) The Commission, its members, alternate members, their assistants and its personnel, shall be entitled to journey separetely or together wherever necessities of their tasks may require and in particular, within those territories which are the theatre of events of which the Security Council is seized.

(g) The Secretary-General of the United Nations shall furnish the Commission with scuh pesonnel and assistance as it may consider necessary.

Resolution of the Security Council of April 21, 1948

The Security Council,

Having considered the complaint of the Governmnt of India concerning the dispute over the state fo Jammu and Kashmir;

Having heard the representative of India in support of that complaint and the reply and counter complaints of the representative of Pakistan;

Being strongly of the opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that

India and Pakistan should do their utmost to bring about a cessation of all fighting;

Nothing with satisfaction that both India and Pakistan desire that the question of accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebicite;

Considering that the continuation of the dispute is likely to endangeir international peace and security.

Reaffirms the Council's resolution of 17 January;

Resolves that teh membership of the Commission established by the resolution of the Council of 20 January 1948, shall be increased to five and shall include in addition to the membership mentioned in that resolution, representatives of......and......that if the membersip of the Commission has not been completed within ten days from the date of adoption of this resolution the President of the Council may designate such other Member or Members of the United Natiions as are required to complete the membership fo five;

Instructs the Commission to proceed at once to the Indian Subcontinent and there place its good office and mediation at the disposal of the Government of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite, by the two Government, acting in cooperation with one another and with the Commission and further instructs the Commission to keep the Council informed of the action taken under the resolution and to this end;

Recommends to the Government of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebicite to decide whether the state of Jammu and Kashmir is to accede to India or Pakistan.

A. Resotoration of Peace and order

1. The Government of Pakistan should undertake to use its best endeavours :

(a) to secure the withdrawal from the state of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who enered the state for the purpose of fighting and to prevent any intrusion into the state of such elements and any furnishing of material aid to those fighting in the state.

(b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subject of the state; regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the state, and that therefore they should co-operative in the maintenance of peace and order.

2. The Government of India should :

(a) When it is established to the satisfaction of the Commission set up in accordance with the Council's resolution of 20 Januray that the tribesmen are wihdrawing and that the arrangements for the cessation of the fighting have become effective. put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage :

(c) When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles :

(i) That the presence of troops should not afford any intimidation or appearance of intimidation. to the inhabitants of the state;

(ii) That as small a number as possible should be retained in forward areas;

(iii) That any reserve of troops which may be included in the total strength should be located within their present base area.

3. The Government of India should argee that until such time as the Plebiscite Administration referred to below finds it necessary to exercise the power of direction and supervision over the state forces and police provided for in paragraph 8, they will be held in the areas to be agreed upon by the Plebiscite Administrator.

4. After the plan referred to in paragraph 2 (a) above has been put into operation personnel recruited locally in each district should so far as possible be utilized for the re-establishment and maintenance of law and order with due regard to the protection of minorities, subject to such additional erquirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effictive for the purpose of pacificaiton.

B. Plebiscite

6. The Government of India should undertake to ensure that the Government of the state invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the administration at the Minsisterial level, while the Plebiscite is being prepared and carred out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the state to India or Pakistan.

8. The Government of India should undertake that there

will be delegated by the state to Plebiscite Administration such power as the latter considrs necessary for that holding a fair and impartial plebiscite including for that purpose only, the direction and supervisioin of the state forces and police.

9. The Government of India at the request of the Plebiscite Administration make available from India forces such assistance s the Plebiscite Administration may requre for the performance of its functions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator;

(b) The Plebiscite Administrator, acting as the officer of the state of Jammu and Kashmir should have authority to nominate his assistants and other subordinates and to draft regulations governing the plebiscite. Such nominees should be formally, and draft regulations should be formally promulgated by the state of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the state judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite;

(d) The terms of the service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates;

(e) The Administrator should have a right to communicate directly with the Government of the state and with the Commission of the Security Council and, through the Commission, with the Security Council, with the

Government of India and Pakistan and with their representatives with the Commission. It would be his duty to bring to the notice of any or all the foregoing (as he in his discretion may decide) any circumstances arising which may tend in his opinion, to interfere with the freedom of the plebiscite.

11. The Government of India should undertake to prevent, and to give full support to the Administrator and his staff in preventing any threat, coercion, or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publically announce and should cause the Government obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the state declare and make known that all subject of the state of Jammu and Kashmir, regardless of creed caste, or party, will be safe and free in expressing their views and in voting on the question of the accession of the accession of the state and there will be dreedom of press, speech and assembly and freedom of travel in the state, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the state also ue their best endeavours to effect the withdrawal from the state of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for lawful purpose.

14. The Government of India ensure that the Government of the state release all political prisoners and take all possible steps so that :

(a) All citizens of the state who have left it on account ot disturbances are invited and are free, to return to their homes and to exercise rights as such citizens;

(b) There is no victimization;

(c) Minorities in all parts of the state are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

C. General Provisions

16. The Governments of India and Pasistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should established in Jammu and Kashmir such observers as it may require in the performance of its task.

18. The Security Commission should carry out the tasks assigned to it therein.

Basic Principles for a plebiscite proposed by the United Natioins Commission for India and Pakistan, to the Goverenmnts of India and Pakistan, December 11, 1948.

A. The Commission reaffirms its resolution of 13 August 1948.

B. The Government of India and Pakistan simultaneously accept supplementary to this resolution the following principes;

1. The queston of the accession of the state of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite.

2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and the turce arrangements set forth in parts I and II of the Commission's resolution of 13 August 1948 have been carred out and the arrangements for the plebiscite completed.

3. (a) The Secretary-General of United Nations will, in agreement with the Commission nominate a Plebiscite

Administrator who shall be a personality of high international standing and commanding general confidence.

He will be formally appointed to the office by the Government of Jammu and Kashmir.

(b) The Plebiscite Administrator shall derive from the state of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.

(c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.

4. (a) After implementation of Part I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the state, the Commission and the Plebiscite Administrator will determine, in consultation with the Governmnt of India the final disposion of Indian and state armed forces, such disposal to be with due regard to the security of the state and the freedom of the plebiscite.

(b) As regards the territory referred to in A. 2 of the Part 1 of the resolution of 13 August, final disposal of the armed forces in territory will be determined by the Commission and Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the state and the principal political elements of the state will be required to cooperate with Plebiscite Administrator in the preparation of the plebiscite.

6.(a) All citizens of the state who have left it on account of the disturbance will be invited and be free to return and to exercise all theri rights as such citiens. For the purpose of facilitating repatriation there shall be appointed two commissions one composed of nominees of India and the other of nominees of Pakistan. The Commission shall operate under the direction of the Plebiscite Administrator. The Government of India and Pakistan and all authorities within the state of Jammu and Kashmir will collaborate with the Plebuscite Administrator in putting this provision into effect.

(b) All persons (other than the citizens of the state) who on or since 15 August 1947 have enterd it for other than lawful purpose, shall be required to leave the state.

7. All authorities within the state of Jammu and Kashmir will undertake to ensure in collaborations with the Plebiscite Administrator, that;

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;

(b) No restrictions are placed on the legitimate political activity throughout the state. All subject of the state, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the state to India or Pakistan. There shall be freedom of Press, speech and assembly and freedom of travel in the state, including freedom of lawful entery and exit.

(c) All political prisoners are released.

(d) Minorities of all parts of the state are accorded adequate protection;

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commissions for India and Pakistan problems on which he may require assistance and the Commission may in its discretion call upon the Plebiscite Administrator to carry out it on behalf any of the responsibilities with which it has been entrusted.

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the

Commission and the Government of Jammu and Kashmir. The Commission should then certify to the Security Council whether the Plebiscite has or has not been free and importial.

10. Uopn the signature of truce agrement the details of the foregoing proposals will be elaborated in the consulations envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations.

C. Part I and Part II of the Commission's resolution of 13 August 1948 will be put into effect wtihout delay.

Telegram sent from India to Pakistan which effected the cease-fire on Ist January, 1949

From Indian Army	Date	Time
To Pakistan Army	30	1710

Top Secret 220835/M03

Bucher to Gracy. In view of political developments my Government thinks continuation of moves and counter moves too often due to misunderstanding accompanied by fire support. Seems senseless and wasteful in human life besides only tending to embitter feelings. My Governmnt authorises me to stage I will have their full support if I order Indian troops to remain in present positions and to cease-fire. Naturally I cannot issue any such order until I have assurance from you that you are in a position to take immediate reciprocal and effecive action. Please reply most immediate. If you agree I shall send you by signal verbatim copies of any orders issued by me and will expect you to do the same.

(Sd.) SHFJ MANEKSHAW
Acting C.G.S. 30th December 1948.

Resolution of the Security Council of March 14, 1950

Having received and noted reports of the United Nations Commission for India and Pakistan, established by the resolutions of 20 January and 21 April 1948.

Having also received and noted the report of General A.G.L. McNaughton on the outcome of his discussion with the representatives of India and Pakistan which initiated in pursuance of the decision taken by the Security Council on 17 December 1949.

Commending the Govetments of India and Pakistan for the ir statemen like action in reaching the agreements embodied in the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 for a cease-fire for the demilitarization of the state of Jammu and KDashmir and for the determination of its final disposition in accordance with the will of the lpeople through the democratic mthod of a free and impartial plebiscite and commending the parties in particular for their action in partially implementisng these resulutions by

(1) The Cessation of hostilities effected 1 January 1949;

(2) The establishment of a Cease-fire line on 27th July, and

(3) The agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator.

Consisdering that the resolution that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forhwith for the demilitarization of the state and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants.

1. Calls upon the Governments of India and Pakistan to make immediate arrangements without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarization on the basis of the principles of paragraph 2 of General McNaughton's

proposal or of such modifications of the principles as may be mutually agreed;

2. Decides to appoint a United dDNations Representative for the following lpurposes who shall have authority to perform his functions in such place or lplaces as he may deem appropirate:

(a) To assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization.

(b) To place himself at the disposal of the Government of flndia and Pakistan and to place before these Governments or Security Council and suggestions which in his opinion are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir.

(c) To exercise all of the powers and responsibilities developing upon the United Nations Commission by reasons of existing reslutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commissions of 13 August 1948 and 5 January 1949.

(d) To arrange at the appropirate stage of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties;

(e) To report to the Security Council as he may consider necessary submitting his resolutions which he may desire to make;

3. Requests the two Governments to take all necessaary precautions to ensure that their agreements regarding the cease fire shall continue to be faithfully observed, and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations;

4. Extends its best thanks to the members of the United Nations Commission for India and Pakistan and to General A.G.L. McNaughton for their arduous and fruitful labours;

5. Agrees that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one months after both parties have informed the United Nations RepresenLantive of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph2 (c) above.

Resolution of the Security Council of March 30,1951

Having received and noted the report of Sir Owen Dixon, the United Nations Representativefor India and Pakistan, on his mission initiated by the Secutiry Council resolution of d14 March 1950;

Observing that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 Janauary 1949 and of the Security Council resolutions of 14 March 1950 and have re-affirmed their desire that the future of the state of Jammu and Kashmir method of a free and impartial plebiscite conducted under the auspices of the United Nations;

Observing that on 27 October 1950 the General Council of the "All Jammu and Kashmir National Conference"adopted a resolution recommending the convening of the consitutuent Assembly for the purpose of determining the "future shape and affiliations of the state of Jammu and Kashmir ;" observing further from statements of responsible authorities that action is proposed to convene such a constituent Assembly and that the area from which such a constituent Assembly would be elected is only a part of the whole territory of Jammu and Kashmir;

Reminding the Governemtns and Authorities concerned of the principle embodied in the Security Council resolutions of 21 April 1948, 3June 1948 and 14 March 1950 and United

Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 that the final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of free and impartial plebiscite conducted under the auspices of the United Nations;

Affirming that the convening of the constituent Assembly as recommended by the General Council of the "All Jammu nd Kashmir National Conference," and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire stateor any part there-of would not constitute a disposition of the in accordance with the above principle;

Declaring its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir of this dispute is of vital impoprtance to the maintenance of international peace and security;

Observing from Sir Owen Dixon's report that the main points of difference preventing agrrement between the parties were:

(a) The procedure for and the extent of demilitarization of the state preparatory to the hgolding of a plebiscite, and

(b) The degree of control over the exercise of the functions of Government in the state necessary to ensustre a free and fair plebiscite;

The Security Council,

1. Accepts, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;
2. Decides to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;
3. Instructs the United Nations Representative to proceed

to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the delmilitarization of the state of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;

4. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in affecting the demilitarization of the state of Jammu and Kashmir;
5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report,he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out;
6. Calls upon the parties in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative ub accirdabce wutg koaragraog 5 above; such arbitration to be carried out by an Arbitrator, or a panel of Arbitrators, to be appointed by the President of the International court of Justice after consultation with the parties;
7. Decides that the Military observers group shall continue to supervise the cease-fire in the state;
8. Requests the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon

them to take all possible measures to ensure the creation and maintenace of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a justand peaceful settlement ;

9. Réquests sthe Secretary General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be nencessary in carrying out the terms of this resolution.

Proposals of Dr. Frank Graham of l7th September 1951

The Governments of India and Pakistan:

1. Reaffirm their determination not to re sort to force and to adhere to peaceful procedures and specifically pledge themselves that they will not comcmit aggression or make war, the one against the other, will regard to the question of Jammu and Kashmir.
2. Agree that each Government, on its part will instruct its official spokesmen and will urge all the citizens, organisations, publications and Radio Satations not to make war-like statements, or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir.
3. Reaffirm their will to observe the cease-fire effective from January 1,1949, and the Karachi Agreement of 27th July, 1949.
4. Reaffirm their acceptance of the principle that the question of the accession of the State of Jammu and Kashmsir to India or Pakistan will, be decided lthrough the democratic method of a free and impartial plebiscite under the auspices of the United Nations.
5. After that subject to the provision of paragraph 11 below,the demilitarization of the Stateof Jammu and Kashmir contemplated in the U.N.C.I.P. resolutions of 13 August, 1948, and 5th January, 1949, shall be effected in a single, continueous process;

6. Agree that the process of demilitarization shall be completed during a period of 90 days, unless another period is decided upon by the respresentatives of the Indian and Pakistani Governments, referred to in paragraph 9 below;

7. Agree that the demilitarization shall be carried out in such a way that all the end of the period referred to in paragraph 6 above the situation will be;

A. On the Pakistan side of the Cease-fire line:

(i) The tribbesmen and Pakistan nationals not normally resident therein who had entered the Statefor the purpose of fighting will have been witdrawn.

(ii) The Pakistan troops will have been withdrawn from the States, and

(iii) large scale disbandment and disarmament of the Azad Kashmir forces will have taken place.

B. On the Indian side of the cease-fire line,

(i) the bulk of Indian forces in the State will have been withdrawn.

(ii) Further, withdrawals or reductions, as the case may be, of the Indian and State Armed Forces remaining in the State after the completion of the operation referred to in B(i)above will have been carried out; So that at the endof the period referred to in paragraph 6 above there will remain on the present Pakistan side of the cease-fire line force of ....(The Governments of India and Pakistan were requested to fill in these figures) Civil Armed Forces and on the Indian side of the cease-fire line a force of..........

8. Agree that the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period referred to lin paragraph 6 above.

9. Agree that the representatives of Indian and Pakistan governments assisted by their military advisers, will

meet under the auspices of the United Nations to draw up a programme of demilitarizations in accordance with the provisions of paragraph 5,6,7and 8 above.

10. Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to the office not later than the final day of the demilitarization period referred to in paragraph 6 above.

11. Agree that the completion of the programme of demilitarization referred to in paragraph 9 above will be without prejudice to the functions and responsibilities of theUnited Nations Representative and the Plebiscite Administrator with regard to final disposal of forces and as set forth in paragraph 4 (a) and (b) of lthe 5th January, 1949 resolution.

12. Agree that any differences regarding the possession programme of demilitarization contemplated in paragraph 9 above will be referred to the Military Advisor of lthe 'Jnited Nations Representatives and if this agreement continues, to the United Nations representative, whose decision shall be final.

Revisions of Paragraph 6and 7 above, the situation will be;

A. On the Pakistan side of cease-fire line :

(i) The tribesmen and Pakistan nationals not normally resident therein who had lentered the State for the purpose of fighting will have been withdrawn;

(ii) The Pakistan troops will have been withdrawn from the State, and

(iii) Large scale disbandment of the Azad Kashmir forces will have taken place.

B. On the Indian side of the cease-fire line:

(i) The bulk of the Indian forces from the State will have been withdrawn.

(ii) Further withdrawals or reduction, as the case may be of the Indian and the State Armed Forces remaining in the State after the completion of the operation referred to in B (i) above will have been carried out;

So that on the date referred to in paragraph 6 above, there will remain on each side of the cease-fire line lowest possible number of armed forces based in proportion on the number of armed forces exisitng on each side of the cease fire line on Ist January,1949.

The Resolution of the Security Council Dated November 10, 1951. Extending the Mandate Given to Dr. Graham

"The Security Council

Having received and noted the report Dr. Frank Graham, the United-Nations Representatives for India and Pakistan, on his mission initiated by the Security Council resolution of March 30, 1951, and having heard Dr. Graham's address to the Ccouncil on October 18.

Noting with approval the basis for a progress of demilitarization which could be carried out in conformity with lthe previous undertakings of the parties, put forward by the United Nations Representative in his communication of September 7,1951 to the Prime Minister of India and Pakistan.

1. Notes with gratification the declared agreement of the two parties to those parts of Dr. Graham's proposals which reaffirm their determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance of the principle that the accession of the state of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations.
2. Instructs the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effcting the demilitarization of the state of Jammu and Kashmir.
3. Calls upon the parties to co-operative with the United Nations Representative to the fullest degree in his efforts to resolve the outstanding points of differences between them;

4. Instructs the United Nations Representative to report to the Security Council on his efforts, to-gether with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect."

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Mission of Frank Graham

Dr. Frank P. Grahm was appointed the United Nations Representative for India and Pakistan on April 30,1951. The terms of his reference were set forth in a resolution sponsored jointly by the United Kingdom and the United States and adopted by the Security Council on March 30,1951. Dr. Graham arrived on the Indian sub-continent on June 30,1951. He was accompanied by Mr. MiguelA. Marin and Mr. Elmore Jackson of the United Nations Secretariat and by the experienced military expert, General Jacob L. Devers."It is my faith and hope," Dr. Graham stated on his arrival, "that we may be of assistance to the Governments of the two great nations in their responsibility and and opportunity for creative cooperation in settling this dispute at a critical time."[2] Dr. Graham visited and negotiated in Delhi,Karachi, Srinagar, Geneva, Paris and New York and submitted his first report to the Security Council on October 15, 1951.[3] Dr. Graham extended his warm appreciation to the governments of India and Pakistan for the hospitality, courtesy and cooperation they had shown him.

Turning to the substance of his report Dr. Graham observed that the differences over Kashmir lhad arisen from the conflicting interpretations of thre obligations of the two governments regarding demilitarization under the two resolutions adopted by the United Nations Commissions for India and Pakistan, and accepted by the respective governments. It was of decisive importance that those differences be resolved. Delays in demiliitarization caused talk of war and talk of war causes delay in demilitarization. Dr. Graham added that this vicious circle had to be ended as soon as possible.

Dr,. Graham decided, the report states, on a policy of informal consultations rather than meetings of the two parties. As a result of these conversations a formal letter containing the text of a draft agreement was sent to the two Prime Ministers on September 7,1951.[1] The replies of the two Prime Ministers indicated that they could not agree on certain essential points. But even with regard to the differences the two replies confirmed the hope of Dr. Graham "that the possisbility of arriving at a basis foran agreement was not excluded."

The Proposals

The proposals consisted of twelve paragraphs, the first four of which covered general principles. They sought to meet the threat of recourse to war, the problem of detrimental propaganda, alleged violations of cease-fire and the situation created by the convocation of a constituent Assembly in Kashmir. Dr. Graham emphasized the fact that the two Prime Ministers agreed on the following four points. They were willing to:

(a) Reaffirm their determination not to resort to forceand to adhere to peaceful procedures and specially pledge themselves that they will not commit aggression or make war, the one against the other, with regard to the question of the State of Jammu and Kashmir.

(b) Agree that each Government, on its part, will linstruct its official spokesmen and will urge all its citizebs, organizations, publications and radio stations not to make warlike statlements, calcuclated to incite the people of either nation to make war against the other, with regard to the question of Jammu and Kashmir;

(c) Reaffirm their will to observe the cease-fire effective from January 1, 1949, and the Karachi Agreement of July 27, 1949;

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(d) Reaffirm their acceptance of the principle that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations.

On the last point with reference to the constituent assembly, Prime Minister Nehru not only reaffirmed "acceptance of the principal that the question of the continuing accession of the State of Jammu and Kashmir to India shall be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations, but......that the conditions necessary for such a plebiscite should be created as quickly as possible. It is with this object, and this object alone in view, that they have examined your proposals."

The fifth point in Dr. Graham's draft proposals concerned the stages of demilitarization. In the earlier part of the report Dr. Graham had pointed out that according to Security Council directive, the de-militarization was to be on the basis of the two U.N.C.I.P. resolutions of August 13,1948 and January 5, 1949. Government s of India land Pakistan differed sharply on the timing of the various stages. To meet this problem Dr. Graham explored the possibility of demilitarization being effected in a single, continuopus process. This was the substance of paragraph five and the proposals which followed, paragraph six to twelve, outlined a programme of continuous demilitarization to be completed in 90 days. The replies of the two Governments on these points might be summarised as follows:

Period

The Government of India very much doubted whether aperiod of 90 days was long enough to change the spirit and temper of Jehad (holy war) prevailing in Pakistan. The Pakistan Government agreed on the 90 day period unless the two Governments agreed on another period.

Withdrawal

India was agreed to the withdrawal of the bulk of its forces but only after the tribesmen and Pakistan nationals and Pakistani troops had withdrawn from the State and a large scale disbandment and disarmament of the Azad forces had taken place. The point about further withdrawals and reductions of Indian and State armed forces after the bulk of Indian forces had withdrawn could not be determined realistically at present.

Pakistan was prepared to agree to the withdrawals as proposed in the agreement and it emphasized that "further withdrawals or reductionss"refers to a large scale reduction and disarmament.

Forces to Remain

The Government of India agreed that on the Pakistan side of the cease fire line there should be a force of 4,000 consisting of lpersons normally resident in Azad Kashmir territory,2,000 of them to be followers of Azad Kashmir, and the force to be commanded by United Nations officers or 'locals', not by Pakistan officers. On its side of lthe cease-fire line India wished to retain one line of communication are headquarters, and ;one infantry division (16 battalions).

Pakistan Government maintained that the same consideration should apply to forces on either side of the cease fire line. Not more than four infantry battalions should remain on each side at the end of the demilitarization programme.

Plebiscite Administrator

India wanted that the proposals regarding the appointment of the Plebiscite Aministrator should be left out of the agreement since these were more appropriate to a document covering the detailsof holding the plebiscite. On the other hand Pakistan desired that a plebiscite administrator should be appointed as muchin advance of complete demilitarization as possible.

Dr. Graham in lhis report to the Security Council recommended that the council should call upon India and

Pakistan to take measures to avoid any increase of their lmilitary potential in lthe State, to instruct official spokesmen and to urge all citizens, organizations, publications and radio stations not to make warlike statements, or statements calculated to incite either nation. The report went on to recommend that the Council should also consider the possibility of a fresh effort to obtain agreement on demilitarization. If it decided to make such an effort, the Council might consider ;to instruct the United Nations Representative to continue negotiations toward this end. These negotiations should be carried out at the seat of the Security Council, and the Council should instruct the United Nations Representative to report within six weeks.

The Security Council Instructs Dr. Graham to Continue his efforts

The Security Council at its meeting in Paris on November 10,1951 passed a resolution instructing the United Nations Representative for India and Pakistan, Dr. Graham to continue his efforts to obtain the agreementof the parties involved for the demilitarization of Jammu and Kashmir, and to report his progress within six weeks. The Security Council reaffirmed its view that accession could be determined only by a free and impartial plebiscite under United Nations auspices. The resolution was adopted by 9 votes to nil with India and the U.S.S.R. abstaining.

The Second Report of Dr. Frank J. Graham

Dr. Frank J. Graham, submitted his second report to the Security Council on December 18,1951. Dr. Graham stated that since November 10,1951,he had concentrated in Paris on trying to narrow the differences on two fundamental points ......the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and the day on which India would cause the Plebiscite Administrator to be formally appointed to the office.

In his first report to the Security Council on October 15, 1951, Dr. Graham had stated that agreement had been reached between the Governments of India and Pakistan on four of his twelve proposals for an integrated plan of demilitarization. These four points concerned pledges of non-aggression, discouragement of wrlike or inciting statements, observance of dthe cease fire and acceptance of the principle of a plebiscite to decide the State's accession.

Agreement reached on four more points

In his second report Dr. Graham stated that further agreement had been reached on four more proposals. These were designed to ensure that the demilitarization would not involve a threat to the cease-fire agreement that representatives of the two Governments would meet, under the auspices of the United Nations to draw up demilitarization programme in accordance with agreed on provisions; that completion of demilitarization would be without prejudice to the functions and responsisbilities of the United Nations Prepresentative and the Plebiscite Administrator with regard to the final disposal of forces and that any differences regarding the programme would be referred to the Representatives Military Adviser, and if, disagreement continued, to the Representative, whose decision would be final.

Four Remaining Proposalss

The report continues that no agreement could be reached on the four remaining proposals of the twelve. There were differences over the scope of demilitarzation and its execution as a single continuous process in accordance with the U. N. C.I.P. resolutions of August 13,1948 and lJanuary 5,1949. Agreement could also not be reached over the date of the completion of demilitarization. Dr. Graham had proposed that the parties should agree that the process of demilitarization should be completed on July 15.1952, unless another date was decided on by their representatives. Dr. Graham thus suggested a definite date, rather than aperiod of 90 days for completion of demilitarization, which the original proposal had provided for. The third proposal on which no agreement could take place, dealt with the withdrawal of forces from both sides of the cease fire line.Pakistan wanted to keep a force of 4,000 men on each side of the case fire line, while India wanted to keep 28,000 Indian troops on her side of the cease fire line. India also insisted that of the 4,000 to be kept on the Pakistan side of the cease fire line, only 2,000 should be armed and only half of them should be of lthe Azad Kashmir lforces. Further more, the officers appointed by the United Nations should be given the command over the force of 4,000. India had once again taken up the position from its original stand, that the State of Jammu and Kashmir had constitutionally accepted to India, and therefore India was entitled to maintain troops in Kashmir for the purposes of defence and maintenance of law and order in the State. Dr. Graham's persosnal view, the report stated, was that the demilitarization should be carried out in such a way that, lon July 15, 1952, there would remain on each side "the lowest possible number of armed forces based in proportion to the number of armed forces existing on each side of the c ease fire line on January 1,1949."

The fourth remaining proposal on which no agreement could be reached was over Dr. Graham's suggestion that the parties should agree that India should cause the Plebiscite Admdinistrator to be formally appointed to office not later than the final day of the demilitarization period. The Government of India insisted that the Plebiscite Administrator should be appointed as soon as conditions 9in the State, on both sides of the cease-fire line permitted. It was premature to appoint the Administrator beofre he could function effectively. The Government of Pakistan, on the other hand, stressed the need of appointing the Administrator to office as much in advance of the final day of demilitarization as possible.

"More Hopeful Atmosphere"

Concluding his report, Dr. Frank Graham explained that he had presented the analysis of the problem, and his views, in accordance with the request of the Security Council, "with the hope that they will help the Council to assist the parties in reaching an agreement on the problem of demilitarization of lthe State of Jammu and Kashmir in the more hopeful atmosphere on sub-continent. "[1]

The second repot of Dr. Frank Graham was formally presented before the Security Council on January 17,1952, and after that a brief debate on the report followed. The Soviet delegate, Mr. Jacob A. Malik, charged that the biggest obstacle to the settlement of the Kashmir problem was the interference by the United States and the United Kingdom in the affairs of Kashmir. Mr. Malik charged that the real aim of interference by these two countries was to convert Kashmir into a protectorate and to lintroduce there Anglo American forces in order to make it is a military and strategic base on the frontier of the U.S.S.R. Mr. Malik held that the constitutional status of Kashmir could be determined without outuside interference, by a Constituent Assembly elected democratically by the Kashmir people.

In a brief reply, SirGladwyn Jebb (U.K.) and Earnest A. Gross(U.S.A) showed astonishment over Mr. Malik's statement. It was pointed out to Mr. Malik that his proposed solution was one, which had ben agreed upon four years ago and lthe problem was one of implementing it.[1]

The meeting of the Council adjourned without action leaving it to the President to call another meeting when members had further comments or proposals to make.

At the request of Sir Mohammed Zafrullah Khan, the Foreign Minister of Pakistan, Dr. Graham informed the Security Council of the full demilitarization proposals tentatively put forward by General Devers (Chief Military Advisor to Dr. Graham), the text of which was published in Paris on January 21, 1952.

General Devers had proposed that demilitarization should be completed by July 15,1952, unless another date was agreed upon by both the parties, and that there should remain on the Pakistan side of the cease-fire Azad Kashmir regular infantry battalions of 900 men each, 4,000 civil armed police, 1,500 Gilgit and Baltistan scouts, and 1,000 line of cocmmunication forces....... a total of 10,100. on the Indian side of the truce line, General Devers proposed that there should be stationed seven regular infantry battalions of 900 men each, 5,000 militia, and 2,500 line of communication troops........ a total of

13,800.Various phases were envisaged before this minimum balance was reached .

The External Affairs Ministry of the Government of India denied lin a statement on January 28, 1952that the "Devers Plan" as published had ever been communicated either to itself or to Sir Bengal N. Rau, and and his military advisers during the Paris stalks, land stated that the only plan descussed with the representatives of India, and which had been published as an annexe to Dr. Graham's second report, had made provisions for the withdrawal of all regular Pakistani troops, except three battalions, the reduction aof the r egular Indian troops to one division land one line of communications headqwuarters, land lthe creation of a civilian police force in the Azad Kashmir territory recrtuited from persons noramlly resident in that area, only 2,400 of whom should be armed. On the basis of these proposals, there should have been 7,000 forces and armed police on the Pakistan aide and 20,000 troops on the Indian side. There was also no provision in the orignial 'Devers Plan'for any definite date for the completerion of the demilitarization plans.

The Ssecurity Council again meet on January 30, 1952. Ssir Gladwyn Jebb (U.K.) supported by the delegates of Brazil, Chile, the Netherlands, and the U.S.A.suggested that the United Nations Representative, Dr. Frank Graham be authorised without any fresh decision by the Council, to continue his efforts to fulfil his mission and lshould again report to the Council by March 31 1952 at the latest. The proposal was accepted without a formal vote but the Soviet delegate Mr. Jacob A. Malik abstatined.

Dr. Graham's third report to the Council

Dr. Frank Graham left New York for Delhi on February 26,1952 in order to resume disscussions with the Governments of India and Pakistan in accordance with the mandate extended to him by the Secturity Council on January 31, 1952. On the completion of his talks, he left the sub-continent on March 25,1952, and presented his report, in which he suggested that he should be allowed to continue the negotiations with the two Governments. The repoort to the Security Council was published on April 25, 1952.

In this third report, Dr. Graham recalled that out of the 12 proposals which he had presented the Governments of India and Pakistan on September 7, 1951, they had already accepted eight. Further progress was made in this direction and Dr. Graham was able to report acceptance, by Pakistan, of the four remaining proposals, with certain resrves regarding the character of the forces to be left on each side of the truce line, the other two remaining defferences, the period of demilitarization and induction into office of the Plebiscite Administrator could be solved without difficulty. The chief remaining obstance was the difference over the number and character of forces to be left on each side of the cease fire line at the end of the period of demilitarization.

Dr. Graham reported that India was insistent on retaining 21,000 regular lIndian Army forces polus 6,000 state militia. On the Pakistan side, India wanted that there should be a force 4,000 men normally resident in Azad Kashmir territory ....half of these to be followers of Azad Kashmir and the other half not followers of Azad Kashmir and lthe other half not followers of Azad Kumar. If India found a favourable situation, lshe was prepared to consult the Plebiscite Administrator and the United Nations Representative to consider further reductions.

New Approach

Faced with this situation, Dr. Graham prsented a new line of approach. Throughout, he says, it was evident that many questions relating to demilitarization were closely connected with the preparations for a plebiscite and the responsibilities of the Plebiscite Administrator.

"It is the firm conviction of the United Nations Representative"Dr. Graham continues, "that besides the question of the final quantum of forces, there a re ;other factors which need now to be taken into consideration. The United Nations Representative is not at the present time in a position to give a considered statement on all lthese factors. He feels, however, that with further exploations into the relaltionships between the last stage of demilitarization in a perspective which would favour its solution.

Because of these grounds. Dr. Graham came to the conclusion that, in future "the United Natitons Representative in addition to the assistance to be provided by his civilian and military advisers, has the purpose to have the views of the Plebiscite Administrator designate on those problems which have a bearing on their common r esponsibilites. The consultation should be without prejuidice to the question of the formal induction into office of a Plebiscite Administrator ......designate, which should be a result of the further negotiations."[1]

Proposals

Having set out these conclusions, Dr. Graham presented his proposals in the following terms:

"Accordingly, the United Nations Representative recommends:

"1. That taking notice of the progress made in the demilitarization of the State of Jammu and Kashmir through withdrawals of forces from both sides of the cease-fire line, the Governments of India land Pakistan refrain from taking any action which would augment the present miliatary potential of the forces in the State.

"2. That the Governments of India and Pakistan, taking into account ltheir agreements lunder the U.N.C.I.P.resolutions and their acceptance under the twelve proposals, should :

"(a) continue their determiniation not to resort to force and to addhere to peaceful procedures; and to follow faithfullfy their agreement to instruct their official spokesmen and to urge all their citizens not to make statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir (twelve proposals, paragraphs 1 and 2).

"(b) observe the cease-fire effective from January 1,1949, and lthe Karachi Agreement of July 27,1949, (twelve proposals, paragraph 3).

"3.That the Governments of India and Pakistan, as a means of further implementing the resolutions of August 13,1948, and January 5,1949, should undertake by July 15, 1952 further to reduce the forces under ltheir control in lthe State of Jammu and Kashmir.

"4. That the United Nations Representatives negotiations with the Governments of India land Pakistan to be continued with a view to:

"(a) resolving the remaining differences on the twelve proposals, with special reference to the quantum of forces to be left on each side of the cease fire line at the end of the period of demilitarization, and

(b) the general implementation of the resolution of U.N.C.I.P. of August 13, 1948, and January 5, 1949".

At the proposal of Dr. Frank Graham, fresh discussions at the Ministerial level started at Geneva on August 26,1952, between the Governments of India and Pakistan. The Indian and the Pakistani delegations were headed by Sir Gopalaswamy Ayyanger and Sir Mohammad Zafrullah Khan respectively. The discussions ended on September 10, 1952, when a statement was issued, which explained that several alternative drafts had been discussed as a basis for agreement on points of difference still outstanding. The statement also stated that the Indian and Pakistani delegates would also report to their repective Governments, and that Dr. Graham would report to the U.N. Security Council.

The fourth report of Dr. Graham to Security Council

In his fourth report to the Security Council on September 16,1952, Dr. Frank Graham, the United Nations Representative for India and Pakistan, reported the failure of his efforts sto secure agreement between the two countries on the Kashmir problem.

In his report Dr. Graham outlined negotiations from May 29, to July16,1952, in NewYour and a Ministerial Cocnnference in Geneva from August 26 to September 10, 1952. Dr. Graham submitted to this Conference his revised twelve proposals.The most contentious paragraph referred to the forces to be left on either side at the end of the demilitarization. On this vital point Dr. Graham first suggested between 3,000 to 6,000on the Pakistan side of the cease-fire line and between 12,000 and 18,000 on the Indian side of the truce line. After further negotiations on September 2, 1952, Dr. Graham made further revision and specified the definite figure of 6,000 on the Pakistan side and 18,000 on the Indian side. These figures were not inclusive of the Gilgit and Northern Scouts on the Pakistan side and the State Militia on the Indian side. The revised proposals also made it clear that agreement would come into being after approval by the two Governments of a schedule of demilitarization to be worked out by the representatives of the two countries. In his report, Dr. Graham added the respective positions of India and Pakistan.

So far as India was concerned, the Government asserted itis consitutional responsibility for the defence of the State and therefore for assistance to the Government of Jammu and Kashmir in maintaining law and order. Its responsibility included the internal and external security of the State in addition to responsibilities under the cease fire agreement. India pointed out that Pakistan could locate its forces within its borders, which for some length are common with the State boundaries, and, for a still greater length, lie within striking distance of the cease-fire line and important areas of the State. India wanted a minimum force of 28,000 on its side. But as a gesture toward settlement India was prepared to reduce the figure to 21,000 after complete disbandment and disarmament of the Azad Kashmir forces. These figures were to be strictly exclusive of the State Militia.

India also insisted that the local authorities on the Pakistan side should be entrusted only only with a civil armed force for maintaining local law and order. This civil armed force should not exced 4,000 but India was ready to consider an increase to provide for the needs of northern areas or in the event of the United Nations Representative's making out a case for such increase. Further, the forces should consist on an equal proportion of Azad Kashmir and other elements; they should be under neutral and local officers and operate under the authority of the United Nations Representative.

With regard to Pakistan's stand, Dr. Graham said that the Government pointed out that neither India nor Pakistan should be allowed dto steal a march on the other, or the intimidate the population and influence the plebiscite. Pakistan stressed that India could not be sole judge on the Security of the State, and the Plebiscite Administrator and the United Nations Representative should determine the final disposal of all forces in the State. Pakistan suggested that when the demilitarization was carried out, the forces on either side should be only the minimum necessary for maintaining law and order of the same character on either side of the cease-fire line. Pakistan added that lunder the proposals, there would be ltoo many solddiers in the state, a total of 33,500......composed of 18,000 Indian and State armed forces, 6,000 State Militia, 6,000 armed forces in Azad Kashmir, and 3,500 Gilgit and Northern Scouts.

Subject to these conditions, Pakistan was prepared to accept the revised proposals of the United Nations Representative.

Other differences

The Governments of India and Pakistan also differed on the powers of the plebiscite Administrator and the United Nations representative. Then there was lthe difference over the term "final disposal of forces"used by the U.N.C.I.P.resolution of January 5,1949. India held that the term referred only to the actual disposition of the forces and that no interference with the strength of the forces was possible at the plebiscite stage.

Pakistan argued that final disposal covered rduction by withdrawal or disbandment as well as location or stationing. If final disposal meant only stationing of the forces, there was no provision in the resolution for the reduction or disbandment of the Azad Kashmir forces.

Plebiscite administrator

The last point of difference between the two countries arose over the time of induction of the Plebiscite Administrator into office. India wanted that the Plebiscite ADministrator should be inducted into office after the completion of the demilitarization and when the United Nations Representative was satisfied that the peaceful conditions had been restored, and when the local authorities on the Pakistan side were functioning under the surveillance of the United Nations Representative. India was, however, prepared to induct the Plebiscite Administrator on the last day of the period of demiliitarization.

Pakistan on the other handheld that the Plebiscite Administrator should be inducted as soon as tribes men, Pakistan volunteers, Pakistan forces, and the bulk of Indian forces were withdrawn. Pakistan, however, was prepared to agree that the Plebiscite Administrator should be appointed not later than the last day of demilitarization programme, though, according to Pakistan, It represented "a big concession to the Indian point of view."

New approach

Since it was not possible lto secure agreement on the exact quantum of the foces, Dr. Graham proposed that the two Governments agree on principals which could serve as criteria for determining the number of forces at a later conference. He submitted proposals on these lines to joint meeting on September .

4. The proposals were:

"Agree that the demilitarization shall be carried out in such a way that at the end of the end of the period......the situation will be:

A. On the Pakistan side of the Cease fire Line:

(i) The tribesmen and Pakistan nationals not normally ressident therein who had entered the State for the purpose of fighting will have been withdrawn;

(ii) the Pakistan troops will have been withdrawn from lthe State.

(iii) large scale disbanding and disarmament of the Azad Kashmir forces will lhave taken place so that at the end of the period of demilitarization there shall lbe the minimum number offorces that are required for the maintenance of law land order and of the cease fire agreement with due regard to the freedom of plebiscite;

B. On the Indian side of the Cease fire Line:

(i) the bulk of the Indian forces in the State will have withdrawn;

(ii) further withdrawal or reductions, as the case may be, of the Indian and the State armed forces remaining in the State after the complestion of lthe operation referred to in B (i) abpove will have been carried out;so that at lthe end of the period of demilitarization there shall be the minimum number of Indian forces and State armed forces that are required for the maintenance of law and order and the cease fire agreement, with due regard to the security of the State and the freedom of plebiscite."

The positions taken by Indian and Pakistan over these revised proposals might be summarized as follows:

India

The Government of India felt that the principles were conceived in the lright spirit and could be conducive to a settlement. But lthe Government of India was not prepared to accept any equation of its responsbilities with the local authroties on the Pakistan side. India could also not agree that the local authorities should have any responsibilities other than the maintenacne of law and order "constituently the defence of he entire State is the concern of the Government of India and they alone are entitled to maintain a military armed force for the purpose." India decided that this was the only position "consistent with the assurance given by the Commission and the practice obsberved hitherto by the United Nations authorities of giving recognition to the sovereignntyh of the Indian Union and lthe State which derived orignally from the Instrument of Accession and has since been embodies in the constitution of India."

Pakistan

The Government of Pakistan pointed out that Dr. Graham spoke of the forces on the Pakistan side being the minimum required to maintain law and order and lthe cease fire agreement "with due regard to the freedom of plebiscite." In the reference to the troops on the Indian side, the phrase used was minimuim forces required for the maintenance of law land order and the cease fire agreement "with due r egard lto the security of the State and the freedom of the plebiscite." Pakistan proposed the deletion of both these references. Subject to these comments and dome drafting changes, Pakistan was prepared to accept Dr. Graham's revised proposals.

Thus Dr. Graham found that no agreement over the revised proposals could take place between India and Pakistan and the Conference had to be adjourned on September 10,1952.

Concluding his report, Dr. Graham pointed out, that his three reports to the Security Council had narrowed the prblem down to what appears to be the prerequisite for agreement to demilitarization, namely agreement on the number and character of forces to remain on each side of the cease fire line. The following was necessary in order to reach such a settlement:

(a) to establish the character and number of forces to be left on each side lof lthe cease fire line at the end of the period of delmilitarization; or

(b) to declare that the forces to remain on each side of the cease fire line at the end of the period of demilitarization should be determined in accordance with the requirements of each area, and, accordinglyprinciples of criteria should be established which serve as guidance for thecivil and military representatives of the Government of India and Pakistan in the meeting contemplated in lthe provisional clause of the revised proposals.[1]

Dr. Frank GRaham made an oral statement over his fourth report on October 10, 1952 at the 605th meeting of the Security Council. A representative from India was invited to attend the meeting. The United Nations Representative once again emphasized the importance of an early settlement of the dispute between India and Pakistan and which had been before the Security Council since January 1948. At the conclusion of Dr. Grahama's statement, he was thanked by the President of the Council, Herrnan Santa-Curz of Chile, after which at the request of Pakistan representative, the discussion of the report was adjourned.[1]

Discussions on the Kashmir issue was resumed on November 6,1d95d2, when the United Kingdom and the United States presented a joint draft resolution to the Council.[2] The resolution (1) approved the general principles, on which Dr. Frank Graham had strived to bring about agreement between India and Pakistan and noted with gratification that the two Governments had accepted all but two of his 12 point proposals;(2) requested the Governments of India and Pakistan to "enter into immediate negotiations at the U.N. headquarters in order to reach an agreement on the specific number of forces to remain on each side of the cease fire line at the end of the demilitarization period, this number to be between 3,000 to 6,000 remaining on the Pakistan side of the cease fire line and between 12,000 to remaining on the Indian side;"[3] (3) requested Dr. Graham to continue his mediation efforts in order to achcieve a settlement of the dispute, and to keep the Security Council informed of any progress; and (4) requested India and Pakistan to report to the Security Council not later than 30 days from the date of the adoption of the joint draft resolution.

Introducing the draft resolution, Sir Gladwyn Jebb (U.K.) said that his country did not believe that the dispute could be left simply to settle itself or the United Nations could relax its efforts to acheive settlement. He stressed that the Security Council ought to be of great assistance, in finding a solsution of this dispute. Sir Gladwyn added that Britain always insisted that the agreement should come as the result of direct agreement between India and Pakistan, and since both the countries had agreed that the future of Kashmir should be decided lby a free and impartial plebiscite lconducted under the auspices of the

United Nations, Great Britain had always lent support to a settlement on such lines. Britain will continue to support such a settlement unless India and Pakistan decide to work for a settlement in some other form.

No Threat Involved

Sir Gladwyn continued that if India and Pakistan could agree on a final figure for the strength of their armed forces within the limits suggested by Dr. Graham, and incorporated in the joint draft resolution they could assure themselves that despite of a considerable reduction in lthe strength of the forces on each side of the cease fire line, their reduction at any rate , would involve no threat to the intergrity or lto the security of the territory on either side. Sir Gladwyn said that the Kashmir Militia and the Gligit Scouts need not be included in the total of the forces to be determined under the draft resolution.

Neutral Force as Alternative

Sir Gladwlyn Jebb went on, should the fear still exist esist that demilitarization may lead to a renewal of conflict in Kashmir, the party feeling that fear may be requested to reconsider the proposal made by the U.K. and U.S.A. in February 1d951 that a neutral force might be used to facilitate demilitarization.

Sir Glaldwyn added that the forces on each side of lthe cease fire line should be broadly speaking of the same kind. He was very much opposed to the proposal to limit the forces on the Pakistan side to an armed civil police force, while leaving a military force on the other side.Such a proposal in the opinion of Sir, Gladwyn was not consistent with the freedom of a plebiscite. In conclusion, Sir Gladwyn hoped that India and Pakistan would appaoint representatives with adequate powers to enable them to negotiate a final agreement on demilitarizadtion.

On December 8, 1952, Mrs. Vijayalakshmi Pandit, the leader of Indian delegation rejected the Anglo-U.S. draft resolution, while on December 16, 1952, Sir Mohammad Zafrullah Khan, the Pakistan Foreign Minister acceptd the resolution.

Mrs. Pandit said that draft resolution of Anglo -U.S. did not pay any attention to India's five year old complaint of aggression on her territory by Pakistan, which the U.N.C.I.P.had acknowledged to be a fact, but on which the council had so far not taken any action. India had repeatedly given assurances that she wanted a peaceful settlement of the issue and would not initiate military operations in any case But Pakistan had constantly refused India's offer to make such a declaration together on the contrary threats of 'holy war'were hurled at India from Pakistan. A Conference of the Muslim League meeting at Lyallpur with the Pakistani Prime Minister in the chair had passed resolutions threatening war against India. Mrs. Pnadit further stated that "any consideration of the problem must proceed on the clear and uneqvivocal recognition of the authority of the Jammu and Kashmir Government over the entire territory .of the State; of the fact that the State, by virtue of its accession to India, became a part of lthe territory of lthe Indian Union; and lof the Government of India's responsibility for lthe security of the State against external aggression." On this basis Mrs. Pandit concluded that "all arlmed forces lmust be removed from the Pakistan side of lthe cease fire line and that Pakistan should exercise no authority, whatsoever over the area which it has invaded.

Sir Zafrullah Khan, replying on December 16,1952 to lMrs. Pandit's statement rejected the charge that Pakistan[1] "was prepared to go forward on the basis of this resolution,"proposed to leave on each side of the line to be 'unfair 'to Pakistan. Sir Zafrullah offered to withdraw Pakistan forces from Kashmir, permitting India to station 28,000 troops the Indian side of the truce line —with no armour or artillery and including the Kashmir State armed forces—provided that the U.N. Plebiscite Administrator took over at the stage at which Pakistan troops were withdrawn to begin preparations for holding a plebiscite.

Mrs. Vijaylakshmi Pandit condemned Sir, Zafrullah Khan's proposal on December 23,1952 and described them as "disingenuous" and asked whether it was to be taken seriously. Mrs. Pandit stated that the Azad Kashmir forces were fully akrmed troops ;and were about 30,000 in number. These forces formed "part and parcel of Pakistani Army "and were as well lequipped as any other unit of the Pakistan Army". And were as well equipped as any other unit of the Pakistan Army. She further stated that the restrictions on armour and artillery were to apply only to India and not to lthe Azad Kashmir forces. India was prepared to explore every possible avenue for a peaceful settlement of the Kashmir issue, but certain conditions mut be fulfilled.

(1) the integrity of Kashmir must be recognized.

(2) India's responsibility for the defence of the State must also be recognized.

(3) Pakistan must withdraw all its troops and order the disarmament and the disbandment of all armed forces under its control, including the Azad Kashmir forces.

(4) The local authorities under the surveillance of the U.N. Commission lshould administer the areas evacuated by the Pakistani forces. These local authorities should have prtly armed and partly unarmed police force.[1]

Sir Mohammad Zafrullah Khan, in reply repudiated India's claim that the U.N.C.IP. and Plebisciite Admdinistrator were to decide on the numbers and the final disposal of the lforces ;son lboth sides of the ceasefire line. Pakistan was however, prepared to accept the Indian figure of 28,000, provided that the Aazad Kashmir forces were not affected a condition which, Sir Zafrullah claimed, was consistent both with the Commissions resolutions and with the Indian statement of December 8,1952.[2]

During the ensuring discussions in the Security Council, Sir Gladwyn Jebb ceiticized the raising lof lthe lquestions of 'aggression'and 'accession'and described Sir lZafrullah Khan's proposal as worthy of 'careful and sympathetic study.'The Soviet delegate, M. Zorin accused Great Britain and lthe United States of trying to convert Kashmir linto a military base against the Soviet Union and suggested the sensible suggestion that the status of Jammu and Kashmir should be determined by "a constituent Assembly elected by the people of Kashmir themselves on a democratic basis."[3]

The Security Council approved the Anglo-American joint draft resolution on December 23,1952, after an amendment suggested by the Dutch representative had been incorporated. The amendment provided that the negotiations should take place lunder the auspices of the United Nations Representantive, and deleted the provision that they should take place in New York. The amended draft resolution was approved by 9 votes to nil, lwith the Soviet Union abstaining and Pakistan as an interested party not voting.[1]

Dr. Frank Graham informed the Security Council on January 23,1953, that India and Pakistan had accepted to carry on further negotiations in Geneva, starting from Febbruary 4,1d953.[2] The negotiations ended on February 19, without producing any accord. The discussions were held on Ministerial level and Sir Girja Shankar Bajpai and Sir Mohammed Zafrullah Khan represented the Governments of India and Pakistan respectively.

Dr. Graham's Fifth Report to the Security Council

Dr. Frank Graham sunmitted his fifth report to the Security Council on March 27, 1953.[3] Dr. Graham told the Security Council that the Geneva negotiations between India and Pakistan on the Kashmir issue in February 1953 had resulted in "some narrowing of the gap"between their positions, though a large amount of difference still existed. Dr. Graham recommended direct negotiations between India and Pakistan instead of negotiations through a U.N. mediator.

The Geneva Conference which was held bebtween the representatives of India and Pakistan,(at the Ministerial level) under the auspices of Dr. Frank Graham, from February 4,1953 was devided into two stages.The first stage dealth with implementation of that part of lthe former U.N.C.I.P. resolution of August 13,1948 which concerned a truce agreement. The report continued that India tookup the position that "Azad Kashmir forces"cannot be differentiated from the Pakistan Army of which they are for all practical purposes, an integral lpart, and lthat ltheir number, equipment and efficiency constitute a threat to the Security of the State."India stated reported Dr. Graham, that lthe withdrawal of the Pakistani troops and tribesmen. "will not materially diminish their threat which is aggravated by the ease with which owing to the proxximity lof Pakistan's military cantonments. these forces could be quickly reinforced by the Pakistan army.

"So long as agreement regarding the complete disbanding and disarming of the Azad Kashmir forces is not reached," India stated, "a truce agreement cannot create the conditions for a final settlement of the situation in the State of Jammu and Kashmir. India is therefore, unable to accept any reduction of its present ;forces except as lpart of an overall arrangement which includes not only the withdrawal of Pakistani troops, tribesmen, and Pakistan nationals not normally resident in the State who have entered for the purpose of fighting, but also agreement on the measures to be adopted for the complete disbanding and disarming of the Azad Kashmir forces."

Pakistan put up the argument that under the former resolution ;of the U.N.C.I.P.the withdrawal of Pakistan forces was contingent upon the withdrawal of Pakistan forces was contingent upon the withdrawal of the bulk of lthe Indian Army. The Commission had explained that "synchronization of the withdrawal of the armed forces of the two Governments will br arranged between the respective High Commands and the Commissiosn."To Pakistan, the problem thus resolved itself into one of securing India's agreement to withdraw the 'bulk'of its forces from Jammu and Kashmir.

The report States that Dr. Graham came to lthe conclusion that agreement was not possible at that time between India and Pakistan on a truce agreement. Dr. Graham felt that he could not continue this approach as figures of troops suggested by India and Pakistan were not acceptance to each other.

Second Stage

During the second stage of negotiations, Dr. Graham proposed that on the Pakistatn side there should remain an armed force of 6,000 separated from the administrative and operation command of the Pakistan High Command without armour and artillery, and on the Indian side, an Indian army force of 21,000 including state armed forces without armour and artillery. Dr. Graham presented these proposals for discussion on February 14,1953. The positions of the two Governments were communicated to him on February 17.

Positions of India and Pakistan

India expressed her inability to agree to the retention of any military forces in the so-called Azad Kashmir territory. The cease fire on the Azad Kashmir side could be effectively performed by a civil armed force (2,000 alrmed and 2,000 unarmed) to the formation of which India had already agreed. In order to facilitate an agreement India however, was prepared to agree to some increase in the number of proposed civil armed force and to the equipment of the armed section of this force with weapons suitable to assure the satisfactory discharge of that function.

Pakistan replied that the proposal contravened the Security Council's resolution of December 23,1952. It contended that the figures of troops for the Indian side had been arbitirarily raised, without any justificaton, to 21,000. Pakistan felt lthat lif 21,000 Indian and lthe state armed forces were allowed to remain on the Indian side as against only 6,000 Azad Kashmir forces, the security of lthe Azad Kashmir area would be greatly threatened.

No ground for continuing

After a deep study of the Indian and Pakistan Communications and further conversations with the delegates of India and Pakistan, Dr. Graham decided that there was no ground left at that stage on lwhich to continue the Conference and therefore in agreement with the two representatives he decided to conclude it.

In a separate section of his report, Dr. Graham admits that it appeared pretty obvious to him that India under the two resolutions (the U.N.C.I.P. resolutions of August 13,1948 and January 5,1949) had some larger responsibilites on its side of the cease fire line than the local authorities shousld have in the evacuated territory on the other side. Pakistan's reluctance to accept this basic fact has been a great obstacle in the way of a successful solution of the Kashmir problem.

Dr. Graham in his report expressed the hope that "instead of the U.N. representative conntinuing to report differences to Security Council the leadership of 4,00,00,000 people, with the goodwill and the assistance of the U.N.may join in negotiating an agreement on Kashmir".

Commenting on the Graham report, the Pakistn Foreign Minister, Sir Mohammad Zafrullah Khan said on April 7,1953 that it was a very disappointing document,. and stated that Dr. Graham had failed to put forward any concrete proposals of his own. The Security Council, he suggested should make a definite recommendation to the parties with the figures laid down in its resolution of December 23, 1952, and call upon them lto carry out demilitarization on that basis so that the Plebscite Administrator can take up the discharge of his duties and can proceed to organize and hold a plebisscite."

At this juncture, Dr. Graham did not ask for an extension of his mission and instead recommended that the leaders of India and Pakistan enter into direct negotiations to resolve the impasse. On a close examination of Dr. Graham's mediatory efforts we find that all his efforts were directed towards securing an agreement on demilitarization of Kashmir. This effort depended heavily on one technical programme, namely, the size and character of lthe force lto be left lon each side of the cf cease fire line at the end of the demilitarization period. The reason for the failure to secure agreement on the number and nature of forces to be retained by both parties, ies in the conflicting interpretations.regarding the meaning of demilitarization and a plebiscite in the specific context of the Kashmir dispute. "Before it can achieve a genuine solution,"comments Michael Brecher, "the United Nations must return to an examination, evaluation and attempted reconciliation of this disagreement between the basic attitudes of India and Pakistan on the Kashmir dispute."[1] This appears to be a very sensnible suggestion. The Security Council ought to consider India's original complaint of Pakistani aggression in Kashmir. A decisison on this question would greatly facilitate a settlement of the Kashmir problem.

Mr. Michael Brecher, further suggests that the United Nations should consider the following broad questions:

(1) Was the accession of Kashmir to India a legal act and, if so, what significance has the fact of legality for the status of India and Pakistan vis-à-vis demilitarization and a plebiscite ?

(2) Did Pakistan commit aggression against Kashmir and / or India? If so an official condemnation by the United Nations is in order; and its attitude to demilitarization and a plebiscite; and to Pakistan's role therein, lmust be reformulated accordingly. If not, the Security Counncil should openly reject India's principal charge.........

(3) Does a legitimate lconstitutional authority exist in lthe State of Jammu and Kashmir regime constitutes such an authrorit, does it have the right to extend its authority over the entire State before a plebiscite is held.?

(4) And finally, is the Azad Kashmir army a creation of Pakistan, as India claims? Only in answering l these questions, can the United Nations break the deadlock and provide a path to the solution of the Kashmir dispute.[1]

Thus matters stood in 1953. India welcomed Dr. Graham's suggestion of direct negotiations. Pandit Nehru visited Karachi and had talks with the Prime Minister of Pakistan, Mr. Mohammad Ali. These talks were later continued in New Delhi. These negotiations would be ldealt at length in a separate chapter named 'Negotiations outside the United Nations .'It would be enough to mention here that Pandit Nehru had suggested to the Prime Minister of Pakistan that if "we are to get on with this question of Kashmir as we want to lget on, lwe must ltry to isolate it from the power politics." He added: "Therefore, I said it will not be fair to any of the big powers to a sk them to supply a representative as a Plebiscite Administrator, however, admirable he may be, because that would be embarrassing and needlessly creating suspicion, not in my mind necessarily, but in some other big Power's mind. I said, therefore, it is far better for us to select a man from one of the smaller countries of Asia or Europe."[2]

Following this statement of Pandit SNehru, Admiral Chester Nimitz, who had been appointed the United NDations Plebiscite Admidnistrator in Kashmir in 1949, decided to tender his resignation from the office of U.N. Plebiscite Administrator on September 4, 1953. The Prime Minister of Pakistan declared that he did not share the views of Pandit LNehru, and appealed to Admiral Nimitz, but without success, to withdraw his resignation.

With the conclusion of the United States—Pakistan Military Pact in February 1954, and by the adherence of Pakistan to the Military alliances, sponsored by the U.S.A. and dthe U.K., the whole contnext in which the problem of demilitarization was considered changed radically. Pakistan, however, had continued to assert that neither the Military Assistance Pact with the United States, nor its membership of the South East Asia Defence Organization or to the Baghdad Pact had anything to dod with the Kashmir conflict. These things would also be discussed in detail ain a separate chaapter. Following the U.S.—Pakistan Military Pact, Pnadit Nehru, declared in the Indian Parliament on March 1, 1954, that India was no longer prepared to accept the United States observes in Kashmir as neutrals.[1]

The Security Council Resumes Debate

On January 2,1957, the Foreign Minissterof Pakistan, lMalik Feroz Noon, lin a letter to lthe President of the United Nations Security Council requested him to convene a meeting of the Council at a very early date to resume consideration of the Kashmir question, It should be recalled that the Security Council had last discussed the Kashmir question on December 23,1952, when it had urged the Governments of India and Pakistan to negotiate on demilitarization, under the auspices of Dr. Frank Graham, United Nations representative for India and Pakistan, Pakistan wanted an urgent meeting of the Security Council, in view of the fact that the new consitution of the State of Jammu and Kashmir was to come into being on January 26,1957, and Kashmir was to be integrated with India on the same date.[2] Mr. Noon stated in his letter that the direct talks between India and Pakistan had failed; and that in view of the recent statements by Mr. Nehru, the Government of Pakistan had been forced to believe that the cocntinuance of negotiations held out no hopes for a settlement. The Kashmir Constituent Assembly "in collusion with the Indian Gopvernment" had taken steps with regard to the future shgape of the State, which were "in direct contravention of the Security Council's resolution of March 30,1951", and the failure of direct negotiations had created "a most deleterious"situation. Mr. Noon's letter continued. The Indian Prime Minister's declaration that he is now opposed to plebiscite, accompanied by the steps that are being taken by the Government of India unilaterally to 'integrate' the State with India, in disregard of the assurances given by that Government to the Security Council, and lthe mounting unrest both inside and outside Kashmir, have combined to create an explosive situation, which constitutes a s erious threat a peace in the area", It was therefore "essential that the early action should be taken to implement the 1948 and 1949 resolutions of the U.N. Commission for India and Pakistan (U.N.C.I.P.) in favour of a free and impartial plebiscite under the U.N. auspices."

The Debate

The debate on the Pakistan letter was opened in the Security Council on January 16,1957 by by Mr. Feroz Khan Noon. Mr. Noon once again blamed India for the failure of the direct negotiation. Recalling the status of the princely states before 1947, Mr. Noon stated that when the pattition had been agreed upon, it had beenassumed that the princely states, with a majority of the Muslim population contiguous that Kashmir had a Hindu ruler but 77 per cent of the State's inhabitants were Muslims. India, he said, had annexed the States of Junagadh and Hyderabad, which had Muslim rulers, by force on the pretext that these States contained a majority of Hindu population. Mr. Noon therefore, deduced that a State whose majority was Muslim had no choice other than to accede to Pakistan. He charged that India had been interpreting the agreement arbitrarily in her own interest, and that plebiscite was being held up by India's refusal to demilitarize the area. Mr. Noon said that from 1949 to 1952, eleven proposals were made which India had rejected. Mr. Noon said that after the Plebiscite in Kashmir, lhis country was porepared to enter into a no war pace with India in order to remove the Indian fear arising from the United States. Pakistan Military Pace and of the Pakistan's membership of the South East Asia Defence Organization and the Baghdad Pact. Commenting on the Indian argument, that under the Indian constitution, no decision on the disposition of the state of Jammu and Kashmir could be taken without the consent of the Government of the State, Mr. Noon argued that India was presenting this argument only because it had been able to install a puppet regime in Jammu and Kashmir, the polls were held while Indian forces were still in command of the State. Mr. Noon charged that in the Indian occupied Kashmir, there were no civil liberties and corruption and nepotism were rampant. Mr. Noon added, that in view of the grave situation the Government of Pakistan requested the Security Councilto take action on the following lines:

(1) To call upon India to refrain from accepting the changes envisaged by the new Constitution adopted by the so-called Consituent Assembly; and (2) under Article 37 (2) of the Charter, to spellout the obligations of the parties for a plebiscite, including the withwrawal of forces from the State and the induction into office of a Plebiscite Administrator.

A few comments on Mr. Feroz Khan Noon's statement. Mr. Noon's speech on the whole was inaccurate and misleading. Mr. Noon had said that according to the partition of India plan, the areas contiguous to Pakistan and with a Muslim majority should go to Pakistan. In other words it could be implied that the areas not contiguous to Pakistan and with a majority of non-Muslim population should come to India. If we accept this argument of Pakistan, what was then the justification for the acceptance of Jungadh's accession to Pakistan by Mr. Jinnah? Again on what basis did Mr. Jinnah try to persuade the rulers of Jodhpur and Jaisalmar to join Pakistan? These Mr. Jinnah did not succeed in his efforts to secure the accession of these states was another thing. Again as we had stated dearlier in one of the previous chapters, India had accepted the accession of Kashmir not only because the Hindu Maharaja of the State wished to join India, but because of the fact lthat the States major political organisations in Junagadh and Hyderabad which supported the accession to Pakistan. The Razakars were a terrorist organization and represented (if at all they represented anyone) a very small section of the people. Besidies, Hyderabad and Junagadh are not continuous to Pakistan, whereas Kashmir is continuous to both India and Pakistan. India could also not be blamed for the dead lock of the demilitarization for she could not afford to go on appealing Pakistan for ever. According to the U.N.C.I.P.resolutions of August 13,1948, and January 5,1949, Pakistan was required to withdraw all its forces, followed by the withdrawal of the bulk of Indian forces. Pakistan did not do this and after the signing of the United States—Pakistan Military alliance, the conditions changed drastically, the question of delmilitarization became all the more complex, and the plebiscite all the more difficult. We do not want to enter into the details of these issues here, for they would be dealt with in the coming chapters. As far as the installing of a puppet regime in Kashmir is concerned, one cannot forget the fact that there were elections in Jammu and Kashmir in which all the parties were allowed to set up their candidates. That other parties did not put up candidates, does not mean that there were no elections. If the major political organizations of the State, the National Conferences feels that Kashmir should remain with India, It does not mean that it is a puppet organization of the Government of India.

Mr. V.K. Krishna Menon, (India) who spoke immediately after Mr. Feroz Khan Noon at the invitation of the Council's President, General Carlos P. Romulo, said that he would have to consult his Government before replying to Mr. Noon's statement. In response to Mr. Menon's request, it was decided to fix the next meeting of the Council on January 23,1957. Mr. Henry Cabot Lodge (U.S.A.) said that he would be agreeable to January 23, but relminded the Council of the statement of Mr. Feroz Khan Noon that steps were being taken to integrate the State of Jammu and Kashmir into the Indian Union by January 26, when the new consitution was to come into effect.

The Indian Minister Mr. V.K. Krishna Menon, replied to Mr. Noon on January 23-24,1957. In a speech lasting 7 hours and 48 minutes, the longest in lthe history of the United Nations, he maintained that the real issue in Kashmir was that of the Pakistani invasion of the State, and the violation of its territory. Mr. Menon also stated that the introduction of the new constitution in the State of Jammu and Kashmir did not represent any fundamental change in the situation

Mr. V.K. Krishna Menon declared that the only problem before the Security Council was the Indian Government's complaint about Pakistani agreession, which was made about nine years back. India was in a position to state at that time that if the invaders did not withdraw within a certain time, she would retaliate; instead India made a friendly request to Pakistan to prevent her nationals from taking part in the Kashmir war, but even that request was still pending before the Security Council. Mr. Menon alleged that in defiance of lthe U.N.C.I.P. resolutions Pakistan had introduced new troops into the area, India had on her own accord withdrawn a large section of her forces from that part of Kashmir under her administration but there were still 45 Pakistani battalions in 'Azad Kashmir,' which had a population of only 5,00,000. India had never asked lthe Security Council to condemn Pakistan, but she had only requested that "people who were committing murder should not be allowed to go on with it". "If the Security Council takes the view that moderation in these matters is a misdemeanour". Mr. Menon added, "then I am afraid that we must plead guilty. "[1]

Mr. Menon, continued that Kashmir had acceded to India in 1947 and the accession was both legal and final, as the Indian consititution contained no provision for the secession of a State. Maharaja of Kashmir was forced to ask for Indian help because of the Pakistani aggression. India had not coerced Kashmir into lany kind of accession. The only force, which India of course used, had been to "repel the invaders".

Mr. Menon admitted that India was normally bound to consult the wishes of the people of Kashmir, but declared that she was lunder no legal commitment to Pakistan or the international community to hold a plebiscite. Mr. Menon recalled that in 1947, India had proposed to hold a plebiscite, but Pakistan had rejected the offer. He s aid that if an offer were made and not accepted, that offer could not last for ever.

Mr. Menon pointed out that the U.N.C.I.P. resolution of August 13, 1948, had provided:

(a) For the conclusion of a truce agreement, under which Pakistani troops and nationals would be withdrawn from Kashmir, and the unity of the State restored;

(b) for subsequent discussion between India and Pakistan; and

(c) for the U.N.C.I.P. to determine fair and equitable conditions whereby the free expressions of the will of the people of Kashmir would be assured. Mr. Menon added that Pakistan had not fulfilled the conditions laid down for a truce agreement, and had not withdrawn her forces from Kashmir and so, India was also not bound by the resolution.

Turning to the question of Kashmir constituent assembly, Mr. Menon stated that every state, which had acceded to India had the right to decide for itself what subjects, other than external affairs, defence and communications, it wished to to hand over to the Indian Government. Most of the states decided that any decision of this type would be a waste of time, but in Kashmir, the powerful national movement had decided to have its own constituent Assembly. Mr. Menon denied that the elections to the Kashmir Constituent Assembly had been rigged, or that the Assembly was a puppet body. He recalled that the orthodox Hindu sections of the community had set up their candidates at the time of the elections, but they had withdrawn their candidaturefor the fear of losing their deposits. The candidates, who were returned unopposed, had been taking part in the National Movement for a very long time.

Mr. Menon also refuted the charge that the Indian troops in Kashmir were forces occupation. Indian forces in Kashmir were not only to ptotect the State but to protect the entire country. In this connection India had also to take account of the divisions of the Pakistan army stationed five, ten or twenty miles from the Indian border, and that Pakistan had made some serious violations of the cease fire.

Mr. Menon went on to deny that India was taking steps to integrate Kashmir into the Indian Union on January 26,1957, and said that an 'atmosphere of criss'had been created in the Security Council as if that date were "some kind of D-Day". In fact the task of the constituent Assembly had been to frame a constitution for the State of Jammu and Kashmir in pursuance with the Maharaja's act of accession. The Assembly was not to decide on the question of accession, which was already an accomplished fact. The clause in the constitution, under which Kashmir became an integral part of India., had come into effect in November 1950, and was therefore past history. There was thus no zero hour on January 26, all that would take place on that day, would be that the Constituent Assembly would dissolve itself.

Mr. Menon continued his speech on the next day—January 24, when he accused Pakistan of threatening a war against India, and increasing her military equipment and concentrating troops on the Indian border. Mr. Menon added that the so-called Azad Kashmir forces were on equal footing with the Pakistani forces, and were commanded by Pakistani officers, while air strips and landing grounds were enlarged to accomodate latest types of jet air-craft.

Mr. Menon contrasted the conditions existing in the Indian and Pakistani ares of Kashmir and stated that some 450,000 Muslim refugees had returned to the Indian areas from Pakistan. He also quoted from a memorandum, which had been presented to the Pakistan Constituent Assembly by the Kashmir Muslim Conference, and which protested against terrorization of the people in 'Azad Kashmir,' introduction of martial law, arrests without warrant, and ruthless shootings. The Indian delegate very frankly admitted that in the Indian area some 49 people had been detained without trial, but their detention was not because of political crimes in most of the cases. Their trial had not been feasible because the Government of Jammu and Kashmir, would then have not been in a position to withhold evidence "involving other countries besides Pakistan "Mr. Menon had not finished his statement when the five powers—the U.S.A., Cuba, Australia, Colombia, and the United Kingdom introduced a resolution on January 24, 1957, which reaffirmed that the future of Kashmir should be decided by a plebiscite to be held under the United Nations auspices, India's delegation very rightly, and very strongly protested against the resolution which stated that "The Security Council, having heard statements from the representatives of the Governments of India and Pakistan ...."It was a gross injustice done to India and showed the interest of the great powers, like the United States and the United Kingdom in making Kashmir a pawn in the international chessboard. They could hardly be a more fantastic example of a lie and the wrong done to a nation than the present one. The details of diplomatic implications of the Five Power Resolution we propose to deal in a separate chapter, "The Diplolmatic Aspects of the Kashmir Problem." Here we can take note of text of this resolution which is given below:

Five Nations Resolution

"The Security Council, having heard statements from the representatives of the Governments of India and Pakistan, concerning the dispute over the State of Jammu and Kashmir, reminding the Governments and authorities concerned of the principle embodied in its resolutions of April 21, 1948, June 3,1948, March 14,1950, and March 30,1951, and the United Nations Commission for India and Pakistan resolutions of August 13,1948, and January 5,1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations:

"Re-affirms the affirmation in its resolution of March 30,1951;

"Declares that the convening of a constituent Assembly as recommended by the General Council of the All Jammu and Kashmir Natioanl Assembly, and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof; or action by the parties concerned in support of any such action of the Assembly, would not constitute a disposition of the State in accordance with the above principle;

"Decides to continue its consideration of the dispute."[1]

Mr. V.K. Krishna Menon (India) as we have already stated protested against the timing of resolution. He told the Council: "I want to say here and now that I am making a statement here today without any reference to this resoloution, and the reason—I want this to go on record— is that I want the people of my country to know that this resolution has been put down, especially after I had stated last night that I have still to argue the case.

Sir Pierson Dixon (U.K.)stated that the Five power Resolution had been tabled before Mr. V.K. Krishna Menon had completed his statement, because he had thought (Sir Pierson spoke on behalf of the sponsors) that Mr. Menon's statement of the previous day dealt with India's position with regard to the constitutional issues involved in the Kashmir problem. Moreover, there was a special reason for lthe haste in the matter lest—as Mr. Feroz Khan Noon feared—developments should take place shortly to prejudice the case.

Dr. Ronald Walker (Australia) felt that it was necessary to introduce the resolution before the Security Council "because of the march of the calender". Dr. Walker stated that the Security Council had clearly expressed itself in favour of a free and impartial plebiscite in Kashmir, but added that India's position was not yet clear with regard to a plebiscite. He felt that the Security Council should draw the attention of all parties to the principles embodied in its previous resolutions, and because of this reason Australia had co-sponsored the resolution before the Council.

Mr. Hennry Cabot Lodge (U.S.A.) recalled the Security Council resolution of March 30,1951 and stated that the Council should take notice of an "important new element" which had ben raised by the Pakistani complaint that the constituent assembly of Kashmir was dealing with the question of State's affiliation. Mr. Cabot Lodge said his country still adhered to the "correct position" taken by the Security Council resolution of March 30, 1951.

Dr. Tsiang (Nationalist China)referred to Kashmir problem as an "Asian Alsace-Lorraine"and expressed himself in favour of a plebiscite.

Mr.Gunnar Farring(Sweden) said that his country as a newly elected member of the Security Council, was not committed to any particular stand taken by it in the past on the Kashmir question. He, however, felt that India and Pakistan should refrain from any military measures, that the status quo on the cease fire line must be maintained, that force must not be used, and that no measures should definitely be taken to incorporate Kashmir into either of the dominion. Mr. Jarring said that Sweden was prepared to vote for the resolution, but stated that the legal issues involved needed further study, particularly in view of the statements made by lMr. Feroz Khan Noon and Mr. V.K. Krishna Menon.

M. *Sobolov(U.S.S.R.*) was realistic enough to point out that the Kashmir question had been 'inflated 'by certain Powers, which were guided by their own selfish interests in penetrating into Kashmir, which was a highly important strategic region. M. Sobolov added : "Attempting to put an end to their vague and indefinite status and establish lpolitical stability, lin 1951 Kashsmir people elected a constituent Assembly, which passed da number of limportant laws, lincluding a law lin 1954, which affirmed the accession of the State of Jammu and Kashmir to India. In 1956 the constituent Assembly adopted a resolution for the State, according to which it would enjoy the lrights of autonomy within the Republic of India. Thus the question of Kashmir was settled by the people of Jammu and Kashmir themselves. Kashmir was considered to be an integral part of the Indian Republic and the Security Council could not overlook these facts."

Commenting on the Five Power Resolution, Arkady Sobolov declared that it did not take into account the real state of affairs in Kashmir, and to a certain extent doubted the fact that the Kashmir issue had "settled in accordance with the will of the people of Kashmir."

M. Sobolov further pointed out that the draft resolution referred to the Security Council Resolution of March30,1951, the Soviet Union had already "stated its negative attitude to that resolution, in as much as it was from the outset unacceptable to one of the parties and, therefore could not serve as a babsis for a settlement of question."

The Soviet delegate saw no advantage in adopting a new resolution to which one of the parties objected. He recommeded that the mutual differences between India and Pakistan should be solved by direct negotiations between the two parties without any outside interference.

M. Guillaume Geoges-Piscot (France) supported the resolution as a "stop - gap measure". He reserved his right to speak on the substance of issue latler.

Mr. Carlos Romulo (Phillippines) supported the resolution, but stated that his We do not consider that a vote in favour of the resolution is a vote against India but as a re-iteration of the previous decisiona of the Council. I would urge the parties concerned to respect the standing resolutions of the Council which are as valid today as the day they were adopted many years ago."

Speeches in support of the resolution also delivered by Dr. Nunez -Purtuondo(Cuba); Senor Corlos Duarte (Colombia) and Hashim Jawad (Iraq).

Mr. *V.K.Krishna Menon,* speaking on the Five power draft resolution said that India was not bound by it. India had not participated in the resolution, though she was called by the Council to express her views. In the normal course of time, Mr. Menon stated that a resolution on this subject should take into account the representations made before the Council. He regretted that the first draft of the resolution was in his hands not only before he had finished speaking on the issue but in the forenoon of January 23. The only change made in the draft resolution were those which were 'more convenient and suitable to the other side'. Mr. Menon added that any suggestion that he had stated his case on the constituent Assembly, and therefore all they wanted to know had been made known , had not been borne out by facts. Mr. Menon added that he would not have been able to finish his arguments in another hour the previous night, and the whole of the statement in the case remained. Mr. Menonwent on, "No one can possibly comfort his conscience in this matter by thinking that the first paragraph of this resolution represents the facts when it says:

"Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir. ...."

Mr. Menon added that the principle adopted in the resolution was perplexing to India. The Australian representative and said that he was still in doubt about many mattemrs, but that did not stop him from coming to a conclusion. The Security Council appeared to be willing to sit for long hours, even at night, in order to register its objections to a situation on grounds that it changed status.Mr. Menon put the simple question that why was not the Council concerned about the incorporation of a part of Kashmir into Pakistan under the Pakistan constitution? Why was not the Council concerned by the annexation of these territories, by militarization, by threats of war in the Council chamber?

Mr. Menon observed, that it was not the consitution of Kashmir and the constituent assembly that made Kashmir an integral part of India.It was the Act of Accession under the acts of Legislature which received the Royal assent lin 1947. Therefore, it was not this constitution which made any difference. Mr. Menon. also stated that that Council was not competent enough to challenge the accession of the State to India. Mr. Menon thought that there could lbe two ways in which any settlement could be reaced . One was imposition, which the United Nations under the Charter could not impose. The second way was to seek an agreement of the two parties, Mr. Menon added, that to present another resolution, which reaffirmed something that one party had rejected was not calculated to promote the purposes of United Nations or the exercise by the Security Council of tasks entrusted to it.

Mr. V.K. Krishna Menon concluded by saying that the attitude of the Government of India towards Five Power draft resolution was the same as the Indian attitude towards the previous resolutions.

The Five Power draft resolution adopted

On the night of January 24, 1957, the Security Council adopted the Five Power resolution by ten votes to nil. The U.S.S.R. abstained while Australia, Nationalist China, Colombia, Cuba, France, Iraq, Philippines, Sweden, the U. K. and lthe U.S.A.voted in favour of the resolutions Just before the vote was taken on the draft resolution, lMr. Menon strongly objected to the resolution and said: "The only effect it can have is to re-agitate lthis question". It was not in conformity with the Charter, whereby the United Nations was supposed to have "harmonizing influence."[1]

Reactions

It would not be out of place to give some reactions to this resolution in India, Pakistan and in the State of Jammu and Kashmir.

In a telegram to President Eisenhower on January 27, the Pakistan President, Major General Iskander Mirza said: "I should like to express my appreciation and the appreciation of the people of Pakistan for the support of the U.S. Government for the Kashmir resolution in U.N. under difficult circumstances. In my opinion, the action of the Security Council in supporting the right principle on behalf of a small nation will have beneficial effects for the entire free world".[2]

Earlier on January 26,1957, the President and Prime Minister of Pakistan Maj-Gen. Iskander Mirza and Mr. H.S.Suhrawardy, commented on the Security Council's resolution. The Pakistan President, in a statement said that the resolution "protects the people of Kashmir from an imminent conspiracy to perpetuate their enslavement"and had 'vindicated'the stand taken by Pakistan on the issue . He stated "all efforts of the pupet

Governments of occupied Kashmir to go ahead with their designs of a merger with India are meaningless and should be ignored with contempt.[1]

Mr. Suhrawardy added"Pakistan is prepared to pull out her troops from the Pakistani held part of Kashmir in favour of U.N. trops irespective of the Indian reaction to such a proposal. We make no condition. The U.N. has played fair with us and we trust lthem. "Mr. Suhrawardy thanked the sponsors of the resolution, and commented that the draft resolution was "most encouraging."[2]

On January 29, the West Pakistan Assembly adopted a resolution, requesting the Security Council to take 'effective and expeditious'steps to hold a "free and impartial"plebiscite in Kashmir under United Nations auspices. The resolution demanded that failing this, "economic and diplomatic sanctions against India by member nations "should be applied. If India persisited in her intransigence, U.N. should resolve to use land forces under Article 42 of the Charter."[3]

The Pakistani gratitude to the United States of America and four other sponsors of the draft resolutions is quite understandable. Ironically, the victim of aggression— India— was taken to task by the Security Council, and thus an encouragement was given to the aggressor, which had succeeded on its attempts to place the victim in the wrong. Pakistan ought to be more than thankful to the Security Council for rendering her such a support.

Mr. Nehru "Deeply Pained"

Speaking to the newsmen at Palam Airport on January 25, 1957, Mr. Nehru said that he was "deeply pained" at the manner in which the U.N. Security Council resolution was sponsored. It was extraordinary that the resolution should have been tabled "before really hearing the other side."

Addressing a huge public meeting in Madras on January 31, Mr. Nehru declared that if he were convinced that he had not honoured any international commitments regarding the Kashmir issue, he would either honour them or resign his

Prime Ministership. Mr. Nehru pointed out that "India agreed to a plebiscite in Kashmir on certain conditions and in a certain context of events. The very first condition was the withdrawal of Pakistani armies from the territory of Jammu and Kashmir state which they had invaded. They have not done it even now today. Any such conditional offer— it is strictly conditioned— cannot last for ever and ever ."Mr. Nehru added that he did want Kashmir in the name of plebiscite "to be made the scene of a patricidal war which will spread to India and upset the delicate balance that has been established here."Mr. Nehru thought that it would be more becoming of Pakistan to have elections in its own country before talking about a plebiscite in Kashmir. Speaking labout lthe military alliances, Mr. Nehru said : "It is quite possible that it is due to all these military alliances lthat these strange resolutions are passed in regard to Kashmir". Mr. Nehru added: "There has been a great fuss made about Jammu and Kashmir framing its constitution and accession to India. So far as I remember, the Pakistan consitution has incorporated the part of Jammu and Kashmir in its state. Nobody shouted about it. The Security Council did not move. When this fact was mentioned in the Security Council it did not apparently create any impression. It is an extraordinarly thing that they did not apply their minds to it."

Bakshi Ghulam Mohammad's Reaction

The Kashmir Prime Minister, Mr. Bakshi Ghulam Mohammad, told newsmen in New Delhi on February 5,1957 that the question of a plebiscite in Kashmir was outdated and was thus ruled out. He said that the earlier proposals of demilitarization could no longer apply in completely changed circumstances of the State. He added that he was opposed to the stationing of the U.N. forces even in Azad Kashmir, as it was Indian territory, occupied illegally by Pakistan. Earlier on January 30, Bakshi Ghulam Mohammad had declared in a public meeting at Jammu that: "Whatver the Security Council does, we have taken the decision of making the State an irrevocable part of India in 1947 and we stick to it today and shall strick to it forever. The

Security Council or any other Big Power cannot thrust its decision upon the Kashmir people."

The Arab Reaction

A Cairo dispatch on January 27, reported that Arab political circles had expressed the views that the draft resolution on Kashmir passed by the Security Council was an attempt to bolster up the Baghdad Pact.

Mr. Feroz Khan Noon Replies to Mr. Menon's Speech

At the meeting of the Security Council held on January 30,1957, Mr. Feroz Khan Noon replied to the speech of Mr. V.K. Krishna Menon. Mr. Noon recalled that Mr. Menon had told the Council that the Government of India would never dishonour any international obligation, which she had undertaken, yet Mr. Noon said that on January 26, the accession of lthe State of Jammu and Kashmir to India became irrevocable. Mr. Noon rejected the contention of Mr. Menon that the accession of Kashmir to India was both legal and final. He went on to maintain that Mr.Nehru had pledged himself to a plebiscite in a letter of October 31,1947 to the Prime Minister of Pakistan. Mr. Noon, asked that why had India agreed to appointment of a Plebiscite Administrator, if the Indian consitution forbade the carrying out of the terms of a plebiscite? In conclusion, Mr. Noon requested the Security Council to go ahead with the specific request of Pakistan that a programme of demilitarization should now be worked out, which would make the holding of a free and impartial plebiscite possible

At the next meeting of lthe Security Council held on February 8, 1957, Mr,

V.K. Krishna Menon, replied to Mr. Noon's speech. Mr. Menon dismissed the charge that the accession of Jammu and Kashmir to India was brought through force and fraud. He said that India had "used force against the invaders—against those who committed rape and murder. The force on the other side was used against the people of Kashmir, who were being aggressed against and who were being subjected to rapine and plunder and loot and arson."

India's Defence Minister again reiterated that "India had not violated any international commitment and said that legally if an offer was rejected, it could no longer remain valid. When Lord Mountbatten had asked Mr. Jinnah to arrange a plebiscite he had turned down the offer, while Mr. Liaquat Ali Khan lhad also rejected a similar offer from Mr. Nehru. Mr. Menon added that India was bound only by the two U.N.C.I.P. resolutions of August 1, 1948, and January 5,1949. Ever since the conclusion of these agreements, continuously, and without interruption "violated the cease fire. He demanded that Pakistan must withdraw all her forces and tribes men from Kashmir. Pakistan was obliged to do it unconditionally. Nothing further could be considered till Pakistan had vacated the line aggression.

Mr. Menon pointed out that the Security Council resolution of January 5,1949 had provided that a plebiscite should be held "when it shall be found by the U.N.C.I.P.that the cease fire and the truce arrangements set forth in Parts 1 and 2 of the Commission's resolution of August 13,1948 have been carried out and arrangements for a plebiscite have been completed." The U.N.C.I.P. had given further assurances to India:

(1) India was responsible for the Security of the State.

(2) The soverignity of the Kashmir Government extended over the entire State and should not be questioned.

(3) The plebiscite proposals should not be binding upon India if Pakistan did not carry out parts 1 and 2 of the resolution of August 13,1948.

(4) Therefore should be no recognition of the so called Azad Kashmir Government.

(5) The territory occupied by Pakistan should not be consolidated;

(6) The administration of the evacuated areas in the north of Jammu and Kashmir, and their defence to the Government of India.

(7) The 'Azad Kashmir' forces should be disbanded and disarmed;

(8) Pakistan should be excluded from all affairs of Kashmir. All these assurances were known to Pakistan before she accepted the U.N.C.I.P.resolutions of January 5, 1949.

Mr. Menon declared that it was upto lthe Council to decide whether any step could be taken , when lthe first condition—maintenance of cease fire had not been carried out. The number of Indian forces at the cease-fire line had not increased whereas Pakistan had increased its military strength on its side of the cease fire line. Mr. Menon added that it was a default which went to lthe root of the agreement.

Speaking on the changed circumstances, Mr. V.K.Krishna Menon pointed out that in 1954 the Big powers pleaded "altered circumstances "as justification for "avoiding their obligations under the potsdam Agreement ". Mr. Menon quoted Sir Anthony Eden, Mr. J.F. Dulles, Mr. V.M. Molotov and former French Prime Ministser, M. Bidault in this connection, and quoted Sir, Anthony Eden of having stated in Berlin in 1954: "We have to look at facts as they are today and not as they were nine years ago." Mr. Menon also wanted to impress the same thing upon the Big Powers with regard to Kashmir. The Indian representative remarked that nine years were just a coincidence. V.M. Molotov had stated, Mr. Menon continued; "We acknowledge that many points of the Potsdam Agreement have become outdated", Mr. J.F. Dulles and M. Bidault had made statements which implied that when conditions changed the earlier positions taken need not necessarily hold good, added Mr. Menon.

The representative of India went on to quote instances in the past, where plebiscite proposals could not be carried out. One of the greatest legal authorities on plebiscite had stead: "No state at the present time, from the viewpoint of consitutional law, recognizes the right of succession by way of plebisciite. By doing so it would invite its own destruction."Thus, Mr. Menon tried to point out that though the situation in Jammu and Kashmir had changed, the resolutions proposed by the Security Council had not.

Referring to consolidation of aggression by Pakistan, Mr.

Menon said: "My Government asserts—not alleges but asserts—that lthe Pakistan Government has established airfiellds capable of taking military planes in the area which Pakistan has incorporated in its dominion illegally, and contrary to to its own law, to our law, to international law, to the decisions of their council and contrary to the provisions of the charter."

Mr. Krishna Menon cocluded by saying that India had given a solemn undertaking that she would not violate the cease fire agreement. But at the same time it was her duty to defendd the country. The Government of India could not shut its eyes on the fact that its territory had been invaded. Any solution to this problem must recognize this "original sin". India very much desired to reach a settlement, but this could not be found on grounds that she had "committed a wrotng." Mr. Menon made a through and sound presentation of India's case in the Security Council, and spoke with 'passion'and fully represented the passion of India , for as Mr. Nehru put up, Kashmir is one instance of which all the major political parties of India, agree with the Governmental policy.

Reactions

The U.S. Secretary of State, Mr. John Foster Dulles told journalists in Washington on February 5, that he ldid not consider that India had violated the United Nations resolutions by the formal incorporation of the State of Jammu and Kashmir into India.

The Foreign Minister of France, M. Christian Pineau, said in an interview in New York on February 6, that the Security Council could not impose solutions upon India with regard to the Kashmir question. The statement of M. Pineau was realistic and sensible. He added, what the Security Council could do, was to offer suggestions. He suggested that it would be better, if India and Pakistan agreed to the solution of the issue outside the Security Council.

Mr. Nehru's Comments

Addressing a public meeting in Delhi ;on February 3, 1957, Mr. Nehru said that he was amazed by Pakistan's attempt to get a resolution moved in the Security Council asking both India and Pakistan to withdraw their forces from Jammu and Kashmir and to replace them by a United Nations forcoe, and added: "whatever happens,s we cannot tolerate the stationing of foreign troops on our soil. We have seen enough of foreign forces in our country."

Mr. Nehru added that the question of sending U.N. forces to Kashmir never arose even before the U.N.C.I.P. which considered the question plebiscite about eight years ago. "What this commission had said was that Pakistan should completely withdraw its forces from Kashmir. The commission accepted India's right to station her forces there to defend Kashmir. India had agreed to withdraw the bulk of her forces from there only when the last Pakistani soldier had left Kashmir." Mr. Nehru declared that the suggestion of sending a U.N. force to Kashmir was against the basic right of India to station her stroops in Kashmir. "India has till now tolerated the presence of Pakistani troops on a part of Kashmir only in the interest of peace."

Mr. Nehru added that in certain quarters the example of Egypt was being quoted in connexion with despatch of the United Nations force. It was also being pointed out that the United Nations forces in Egypt included a contingent of Indian troops. But all this, said Mr. Nehru, had no relation to the altogether different circumstances of Kashmir. Further, the U.N. forces had gone to Egypt with the consent of the Egyptian Government.

4

Mission of Gunnar Jarring

The Security Council's Resolution for Swedish Representative to consult Indian and Pakistan Governments—Proposal for a temporary U. N. Force in Kashmir—the Rrssian veto.

When the Security Council met again on February 15, 1957, Austraila , Cuba, the U.K. and the U. S. A., presented a draft resolution which called upon Mr. Gunnar V. Jarring of Sweden to consult the Governments of India and Pakistan on the Kashmir issue and to report back not later than April 15, 1957. The resolution recalled the Fire-Nation Resolution of January 24, 1957, expressed concern at the lack of progress and the importance of demilitarization preparatory to the holding of a plebiscite, noted the Pakistan proposal of a temporary United Nations forces in Kashmir, and stated that in so far as it might contribute towards the achievement of demilitarization, the use of such a force would deserve considerations. The resolution requested the President of the Security Council, Mr. Gunnar V. Jarring to examine proposals which might contribute to the achievement of demilitarizatioin or towards other conditions for progress towards the settlement of the dispute having regared to the previous resolutions of the Council and bearing in mind the statments of the representatives of India and Pakistan and the proposal for the use of a temporary United Nations force. The draft rsolution invited the Government of India and pakistan to cooperate with the U.N. Representative—Mr. Jarring and requested the Sscretary-General and the U.N. rpresentatives for India and Pakistan to render such assistance as he might request.

Sir Pierson Dixon (U. K.) in moving the Four-Power resolution said that Britain's only concern was to achieve a solution of the problem acceptable to both the sides. Both India and Pakistan agreed that the question needed an urgent solution, and both the sides agreed that the next step should be demilitarization. As a matter of fact, stated Sir Pierson, the root cause of the breakdown of the Indo-Pakistan relations had been the fear of the dangers which might arise from the forces of the other side, and so he proposed that the Governments of India and Pakistan should accept the stationing of a small and temporary United Nations force.

Dr. Carlos Romulo (Philippines) referred to Mr. Menon's assertion that the situaton had changed and that the resolutions of the Security Council on Kasmir had not changed stated that the idea inherent in every resolution of the security Council was that the wishes of the people should be ascertained. Thus the principle involved was one of the self-determinaitoin. Dr. Romulo added[2] that there was absolutely no justification for the view that while the Algerian people had the right to make known their wishes, the Kashmiris had not. He then stated that the draft resolution met all the requirements of the present situation, and hoped that the Counicl would adopt it.

The analogy of Kashmir and Algeria is higly improper, It clearly reflects the ignorance of basic facts, and Dr. Romulo's bias for Pakistan. We must not forget that Philippines is a member of the South-East Asian Defence Organization, of which Pakistan also happens to be a co-member. This very fact, probably prevented Dr. Romulo from discarding the bias for Pakistan. India, it should be noted, has been a strong critic of military alliances. Dr. Romulo probably forgot that Algeria is in Africa, white France is in Euripe. The people of Algeria are

Algerians and not French, thought there might be a good number of French men in Algeria. Then the Kashmiris, through a freely elected Constituent Assembly had decided to remain with India. The leading political party of the State, the National Conference supported the accession of the State to India right from the beginning. Kashmiris are as much Indians, as Bengalis, Biharis, Maharastrians and like ones. Then as we have stated at so many places, Kashmir has a common boundary with India too. It is Pakistan, and not India which has denied the right of self-determination to Kashmiris first by aiding and abetting the tribal invasion of Kashmir, then sending its regular troops there. Pakistan is still in illegal occupation of the so-called 'Azad Kashmir' territory. Has Pakistan given the right fo self-determinaton to these people ? But the distinguished representative of Philippines was not concerned with this fact.

Dr. T. F. Tsiang (Nationalist China) siad that he was in favour of a small, temporary, United Nations force in order that peace and security could be maintained during the plebiscite without involving the danger of the national military coercion of either India or Pakistan which might intimidate the votes.

Mr. Henry Cabot Lodge (U. S. A.) said that it was the duty of the Security Council to assit the parties to the sispute, to find a just and equitable solution.

The representatives of Australia, Cuba, France and Iraq also expressed themselves in favour of the draft resoluiton. Mr. Jarring of Sweden said that his Government was "fully prepared to accept the idea behind the draft resolution." He added : "here are two courses open to us along progress may be made." He said that agreement between both the parties on a political basis way very necessary to ensure lasting peace. But if this was not possible, it might be possible tohave some of the legal problem clarified by reference to the International Court of Justice for an advisory opinion to make possible a better agreement.

Mr. V. K. Krishna Menon told Mr. Jarring that he would be welcomed to India at any time, but that "the question of functional character of such operatons as you propose to undertake would be another matter which we would have to discuss in substance. He continued that Sir Pierson Dixon, had laid emphasis on what was called demilitarization. But this world "demilitarization" must be interpreted with the connotaton that it had derived through the years by negotiatioins. Demilitarizations was a phase, which arose as one of the methods for creating conditions under Part II of the agreement of August 13, 1948.

He added that when talking about demilitarization, the United States, and the United Kingdom must take into account that in the areas of Kashmir administered by the legitimate Government of the State, there units of the Indian Army, and approximately 6,000 men belonging to the Kashmir Militia, which was a state force of an armed plice character intended for internal security purpose, and that the total strength of India's military position in Kashmir was far below than what it had been at the time of the cease-fire He went on to state that on the Pakistan side of the cease-fire line there were 45 battalions of the Azad Kashmir forces which were officered by the men of the pakistan army. At the time of the cease-fire there were 35 battalions of the Azed Kashmir forces. In addition, as Mr. Feroz Khan Noon himself admitted by implicatioin Pakistan Army itself was there, because he had said that he would withdraw it, and he could not wiothout what was not there, added Mr Menon. This regualr Pakistan army was out of all proportion to its strngth at the time of partition, and consisted of over 200,000 men, equipped by Britain and the United States of America. This Army was stationed within a very short distance of the Indian frontier.

Mr. Menon then proceeded to change Pakistan of volating the cease-fire clauses of the U. N. C. I. P. resolutions of August 13, 1948 and January 5, 1949 by introducing military personnel and material into Kashmir and by the anexation of the territory. Since Part I of the U.N. C. I. P. resolution of August 13, 1948 was violated the considration of the India's basic positioin was that Pakistan had originally committed aggression on the Indian soil, that it was the durty of the Secruity Council to address itself to this position.

Regarding Dr. Romulo's analogy of Kashmir and Algeria, Mr. Menon said that had been a conquest of Algeria by France, and that was not denied by anybody but there had been no such thing in Kashmir.

India's representative rejected the proposal for a United Naitoins force and stated that sucha force was not necessary to achieve demilitarization. The only thing required was for Pakistan towithdraw her forces from Kashmir and give international guarantees that her forces would not move out of their present positions. Mr. Menon that the proposal tosend the United Nations forces to kashmir was against the Chapter 7 of the United Nations charer, and declared, "The Government of India will in no circumstances permit foreign troops on its soil. That is a categorical statement I am asked by the Government to make to this Council." He argued that the Councildare not ask "India toaccept a U. N. force in Kashmir and warned both the U.S.A. and the U. K. that the present resolution might affect their friendly relations,with India. He singled out Great Britain and said that India's relations with that country had received a geat set back becasuse of the "British venture in Wet asia andnow by the venture in Kashmir." with regard to the United States, Mr. Menon pointed out that India could not consider it to be neutral in relation to Kashmir and cited the U.S. Observers issue in support of his contention. The history of India taught that there should be no foreign troops on the Indian soil. "From Clive to Wellesley, from Wellesley to Dalhousie, from Dalhousie to Canning, from Cannning to Minto, from Minto to Linlithgow, India had tried to liberate its soil from the presence of foreign feet."

Mr. V. K. Krishna Menon concluded onthe note that India had deliberately chosen the path of an independent foreign policy. "No pressures will elbow us into an alignment in one direction or anothe. We serve our people and the cause of international peace or another. We serve our people and the cause of international peace as enshrined in the Charter of the United Nations."

At the 770th meeting of the Security Council, held on

February 18, 1957, Mr. Feroz khan Noon replied to Mr. V. K. Krishna Menon. Mr. Noon said that India had recently ordered 65 long range Canberra bombers and 300 tanks from the U. K. and alleged that they were intended for aggression against Paskistan. Pakistan's armed strength, was only 1/3 to that of India and India's defence expenditure was four times more than that of Pakistan and constituted 40 per cent of the entire Indian revenue. India had six divisions, four independent brigades, and an armoured bridgade on the border of West Pakistan, and more troops were said to be moving in that direction. Mr. Noon denied any increase in the Azad Kashmir forces.

He agreed with Mr. Menon that the U.N.C.I.P. resolutions of August 13, 1948 and January 5, 1949 were the only international agreements existing on the Kashmir question but stated that the Council ought to implement these resolutions by arranging for a plebiscite in the State of Jammu and Kashmir.

India's contention was untenable that the plebiscite must be preceded by demilitarization and since demilitarization had not been achieved, the agreement for plebiscite had fallen through. A settlement had to be achieved step by step. In spite of Pakistan's best efforts, Kashmir was still demilitarized, added Mr. Noon.

He declared his support to the Four Power Resolution and offered his country's all possible cooeration to Mr. Jarring. On the question of the U.N. forces, Mr. Noon said, that its purpose was not to disarm or disband the forces in Kashmir—which was a task for the U. N. representative or a Plebiscite Administrator as the cae might be. It only aimed to remove the fear in the minds of the two sides that if the one side withdrew, the other may invade it. He hoped that Mr. Jarring might be able to secure India' agreement over the entry of a temporary U.N. force in Kashmir. Presuming India's agreement, Pakistan's delegate declared that his country would allow a United Nations force to pass through her territory and take up positions in the cease-fire line, but would not be prepared to do so if India did not also agree.

On Febrauary 18, 1957, the representative of the Soviet Union, M. Sobolov presentd three amendments tothe draft resolution. These amendments excluded the references to a plebiscite, to the introduction of a United Nations force, and to the time limit of April 15. The delegate of Colombia, Dr. Francisco Urrutia also submitted three amendments to the Four-Power draft resolution which sought (1) to replace the reamble by the words : "The Security Council recalling the previous resolutions and the letter addressed to the President of the U.N. C. I. P. on December 20, 1948 by India" (2) to request Mr. Jarring to examine "proposals for the use of a 'temporary U.N. fore, it accepted by the parties, or the possibility or referring the problem to the International Court of Justice."; (3) to ask the Council President to report on his talks with India and Pakistan "if possible, not later than April 15, 1957."

Mr. Sobolov reiterated that there was no point in referring to the holding of a plebiscite which was ejected by one of the parties. He added that there was no provision in the United Nations Charter for the use of armed force, except for the purpose to repel aggression and to restore international peace. Thus the Charter did not provide for "the use of U. N. forces for the purpose of forcibly holding a plebiscite in Kashmir." M. Sobolov continued that if the resolution intended to entrust Mr. Jarring with a mission to consider the possiblity of settling the prevailing differences, it could come across no objecton, but it was needless to tie his hands with proposals whcih could not find favour from one side.

Dr. Francisco Urrutia pointed out that Mr. Jarring could not be asked to seek a judicial solution and obtain conciliation at the same time. "Fither we must define the juridical status of Kashmir which means turning to the International court", he declanred, "or we follow the resolution of the U.N.C.I.P. according to which we would not examine the legal status of Kasmir but would attempt to obtain an agreement to hold a plebiscite, on the condition that all prerequisties were fulfilled before the status of territory was decided by a plebiscite." Dr.

Urruita added that the resolution should also mention Mr. Nehru's letter of December 23, 1948, to the President of the U. N. C. I. P., as it was "the only legal bais" on which the Security Council could demand a plebiscite.

Mr. V. K. Krishan Menon replied to Mr. Feroz Khan Noon on February 20, 1957,when he declared that India would regared an attack on Kashmir as an attack on India and would take action accordingly. Mr. Menon stated again that Kashmir was an integral part of India against whcih aggression had taken place, and said : "If our territory is invaded,it is our duty under the charter to resist that invasion, and I am directed to repeat that any invasion of any part of India is an invasioin of the whole country." It was denied that India had any aggressive designs against Pakistan. The Pakistan charges of India troops movements were baseless, and had ben made to give the impression that India had aggressive intentions against her neighbour. Mr. Menon added that the U.S. military aid to Pakistan was considerable and sufficient to pose a threat to the security of India. "We deny that U.S.A. is capable of preventing the receive from using it (aid) for what it wants." Pakistan had not implemented the part I of the U. N. C .I .P resolution of August 13, 1948, and had thus violated the cease-fire agreement. He also accused Pakistanof having made, in a part of Kashmir a base for attack on India. It was the moral duty of the Security Council, as a Party to the agreement to take steps to see that at least the material brought in after the ceae-fire was removed. Pakistan had also violated section E of the Part I of the same resolution which provided for the creation of an atmosphere favourable for negotiations.

Coming to the Four-Power resolutin, Mr. Menon said that the Council ws trying to "hold the ring" for aggression. Annexation had taken place behind the cease-fire line. "How can I explain to my people that no question is asked by you about the illegal occupation of some hundreds of miles of territory by Pakistan ?"

The Security Council rejected the Soviet amendments to the Four-Power draft resolution on Februray 20, 1975, by two votes (Couba and Philippines) to one, with eight abstentions.

Voting on the Colombian amendments was, one vote in favour and none against, with ten abstentions. The Four-power Draft resolution, itself, was carried by nine votes to one (Soviet Union), with Sweden abstaining. The resolution was thus vetoed by the Soviet Union. It is significant to note that it was for the first time that the Soviet Union had vetoed a esolution on Kashmir. The U. S. S. R. had been abstaining on previous occasions.

Since the Soviet Union had vetoed the Four-Power draft resolution of February 15, 1957, Mr. James Barco of the United States presened another resolution on behalf of the United States, the United Kingdom and Australia. In this resolution reference to a plebiscite or to a U. N. force was dropped. The following is the text of the resolution presented on February 20, 1957.

"The Security Council recalling its resolution of January 24, 1957, the previous resolutions and the resolutions of the U. N.C.I. P. on the India Pakistan question;

"(1) Requests the President of the Security Council, the representatives of Sweden, to examine with the Government of India and Pakistan any proposals which are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions ofthe Security Council and the U. N. C. I.P. to visit the sub-continent for this purpose, and to report to the Security Council not later than April 1, 1957.

"(2) Invites the Governments of India and Pakistan to cooperate with him in the performance of these funetioins;

"(3) Requests the Secretary-General and the U. N. Representatives for India and Pakistan to render scuh

Introducing the resolution, Mr. James Barco (U. S. A.) said that by exercising veto, Soviet Union prevented the Council from helping to resolve an international dispute in which the Soviet Union presumably had no direct interest. United States hoped for progress despite the Soviet veto, and to this end he presented the new draft.

We, however, could not agree with Mr. Barco, that Kashmir was an international dispute. There was no dispute at all. It ws a case of an open aggression upon the Indian territory. The Soviet veto was timely. It averted a war in Kashmir, for India would have not allowed entry to the U. N. forces in Kashmir. The Soviet Union had so far not supported India blindly, howsoever just her case might be, but she had to use the veto to foil the western attempts to put pressure upon India. The United Kingdom was evidently displeasted at the Indian criticism of her Suez ventue. The United States too, had been criticised a lot by India for giving militay aid to Pakistan. India ws also opposed to the military alliances. It is submitted that the Four-Power Draft resolution of January 24, 1957, was sponsored to please Pakistan, a loyal western ally, and was a device to bring India to her knees. The Sovit Union could see the game and rightly decided to veto the resolution.

Sir Pierson Dixon (U. K.) said that he deeply regretted the Soviet veto, and added that "Britain ardently desires to see progrees made. With these conditions, U. K. gladly joins in sponsoring the new resolution."

On February 21, Mr. V. K. Krishna Menon, said before the vote, that India would take the resolutioin into consideratiion as soon as a new Government was formed after the forthcoming general elections, and that it would be in the second half of March at the earliest. He expressed deep regret at the "unnecessary and provocative pin pointing" of the resolution of January 24, 1947, and stated that the first step towards any resolution must be the ending of Pakistan's "war and hatred" agaist India. After all India cannot afford to disregard the internal and external security of her land, he continued. "Under that heading must be taken into account the enormous amount of war material that has come to Pakistan through U.S. military aid, and which includes the possibility, either at present or in the future, of the use of atomic tactical weapons." Mr. Menon drew the attention of the Security Council to the statement of

Azad Kashmir Government made on February 6, 1957, in whichit was stated that there were 35,000 strong Azad Kashmir forces which could easily be increased to over 80,000 of whom 70,000 were trained ex-soldiers.

Mr. Feroz Khan Noon said that Pakistan had requested for the introduction of a U. N. force in order to facilitate the withdrawal of Pakistani forces, so that demilitarization could take plce, and that there was no intention to use the U.N. force in the holding of a plebiscite. The introducition of such a force would "amount merely to an augmentation of the U. N. observers in Kashmir" added Mr. Noon.

M. Sobolv deelared on February 21, that he would not oppose the resolution, as the idea of Mr. Jarring's mission was acceptable to the Sovit Union, and the wording of the draft was preferable to that of the earlier resolution. He added, that the reference in the present draft resoolution to the previous decisions, which were not acceptable to the Indian Government, however, could prove an obstacle in the way of Mr. Jarring's mission.

The U. K., U. S., Australian Draft Resolution Adopted

On February 21, 1957, the Three-Nation Draft Resolution was adopted by 10 votes to none. The Soviet Union abstained. After the vote Mr. Jarring told the Security Council that he had no objection in accepting the mission on the understanding that the parties had declared themselves willing to cooperate with him in performing his functions.

Reactioins

On February 21, 1957, Pandit Nehru described the original Four-Power esolution, which vetoed by the Soviet Union in February 20, as "collective aggression or collevtive approval of aggression." Pandit Nehru declared that the attitude of "some countries" to India was one of 'deliberate hostility'. There could be a peaceful settlement with Pakistan if "other countries" did not interfere and encourage agression and a policy of hatred, fanaticism and violence.

On the same day, Pandit Nehru told an election meeting in

Akola that India would not allow a single foreign soldier to step on her soil "whatever might be the consequences of this stand of ours". He declared, "If any country invades Kashmir it will not only be an invasion of Kashmir, but an invasion of India." Pandit Nehru accused, that the British Government and "some other foreign powers" were trying to dopt the same tactics to weaken India internally, which were practised by the British in pre-Indpendence days.

Bakshi Ghulam Mohammad's Statement

The Prime Minister of Jammu and Kashmir, Baskshi Ghulam Mohammad stated in Bombay on February 21, 1957, that the Western nations were conspiring with Pakitan to wrest Kashmir from India in order to "serve their own interests." He declared that the British were creators of trouble in Kashmir. Who gave the British were creators of trouble in Kashmir. Who gave Pakistan arms to invade Kashmir ?In short, who were the instigators of the aggression ? Even while an artillrey duel in a particular sector was on, it was a telephone call "from Roy Busher on our side" to two British Officers on the other that suddently silencd the guns. The Kashmir Premier accused the U. K. of "planning, organizing and guiding the entire attack by Pakistan on Kashmir in 1947 and all that followed it." He added : "These Western Powers are not interested in the claim of Paskistan, but they are sure they can use the strategic territory of Kashmir as an excellent base in the event of any war. The entire trouble in Kashmir was originated by the British. They are the instigators of aggression. British Generals on both sides—Pakistan and India—jointly helped the attackers. It was the British brain behind Pakistan which brought about aggression in Kashmir."

A protest was lodged on February 22, by the Deputy U.K. High Commissioner to India Mr. W. A. W. Clark, to the External Affairs Ministry of the Government of India, against the reported statement of the Kashmir Prime Minister.

Methodist Bishop's Appeal

Bishop S.K. Mondol, Senior Bishop of the Mehodist Church in Southern Asia, declared at a news conference in Delhi on

February 21, 1957 that Kashmir was an integral part of India and Pakistan "should gracilusly withdraw" from the portions she still occupied. He requested the U. K. and the U. S. A.to advise Pakistan to give up its unfare claim, and to stop constant agitation over it.

In pursuance of the Security Council resolution of February 21, 1957, Mr. Gunnar Jarring of Sweden, who was President of the Security Council for the month of February, 1957, proceded to the sub-continent and held discussions with the Government of Pakistan from Murch 15 to 20 and again between April 2 and 5. Mr. Jarring carried on discussions with the Government of India from March 24 to 28, and again between April 6 and 9. Before leaving the sub-continent, he had another discussions with the Pakistani Ministers on April 10,at Karachi. After returning to New York, Mr. Jarring completed his report which was published on April 30, 1957. In his report, Mr. Jarring was unable to suggest to the Security Council any concrete proposals likely to contribute towards the settlement of the dispute.

Mr. Jarring reported that both the Governments of India ans Pakistan declared that they were bound only by the two U. N. C.I. P. resolutions of August 13, 1948 and January 5, 1949, which envisaged the holding of a free and impartial plebiscite to decide the question of accession of the State of Jammu and Kashmir to India or Pakistan under the U. N. auspices.

The Government of India maintained, the report goes on, that there were two factors which stood in the way of implementation of the two U. N.C.I. P. redolutions. The first of these was the Part I of the resolution of August 13, 1948, and in particular sections B and E, hed in their opinion, not implemented by Pakistan. For that reason, India held that it was premature to discuss the implementation of Parts II and III of that resolution or of the resolution of January 5, 1949.

The second of these impediments which concerned rather Part II of the resolution of August 13, 1948, was that the Government of India which had brought the case before the Security Council on January 1, 1948, felt aggrieved that the

Security Council had not so far, expressed itself on the question of what, in their view, was aggression by Pakistan on India. The Government of India felt that it was incumbent on the Council to express itself on this question and that it was equally incumbent upon Pakistan to vacate the aggression. India argued that prior to the fulfilment of these requirements on the part of the Security Council and on the part of Pakistan, the commitments of India under the resolution could not reach the operative stage.

The Government of Pakistan, on their part maintained that Part I of the resolution of August 13, 1948 had been implemented in good faith and infull by them and that, time had come to proceed to the implementation of Part II.

Mr. Jarring goes on, that it was his impression that the Government of India laid substantial weight on the point that the atmosphere was not conducive to the promotion of further negotiations as envisaged in Section E of that part of the resolution of August 13, 1948. Anothere point, which the Government of India respeatedly stressed was that the military status quo as envisaged in Part B of the same section did, in their view, not obtain owing to the policies pursued by the Government of Pakistan.

In oder to break the deadlock, concerning Part I, Mr. Jarring inquired of the two Government if they would be prepared to submit the question of whether Part I had been implemented or not to arbitration. The Government of Pakistan accepted the suggestion, but the Government of India felt that arbitration, would not be appropriate, in as much as the issues in dispute were not suitable for arbitration, because such procedure would be inconsistent with the sovereigntyh of the State of Jammu and Kashmir and rights and obligations of the Government of India in respect of this territory. Further, India apprehended that arbitration even an isolated part of the resolutions might be interpreted as indicating that Pakistan had a locus standi in the question.

Mr. Jarring observed, continued the report, that in dealing with the Kashmir problem, he "could not fail to take note of the concern expressed in connexion with the changing political, economic and strategic factors surrounding the whole of the Kashmir question together with the changing pattern of Power relation in West and South Asia.

He further added that the Council would, furthermore, be aware of the fact that the implementation of international agreements of anadhoc character, which had not been achieved, fairly, speedily, might become progressively more difficult because the situation with which they were to cope had tended to change.

Mr. Jarring concluded that while he felt unable to report to the Council any concrete proposals, which in his opinion at that time were likely to contribute towards the settlement to the cispute as he was requested to do under the terms of reference of the council's resolution of February 21, 1957, his examination of the situaitn as it obtained at that time would indicate that, despite the present deadlock, both parties were desirous of finding a solution to the problem.

The Jarring report, thus we see makes a clear mention ot the fact that there was a change of political, econimic, and strategic factors in Kashmir, and that this change had made the holding of a plebiscite all the more difficult in Kashmir. It further lent support to India's contention that the whole context of Kashmir question had changed because of Pakistan's adherence to military pacts.

Reaction on the Jarring Report

The Jarring report was received with satisfaction in India. The Indian Press placed special emphasis on his reference to the "changing, political, econimic, and strategic factors surrounding the whole of Kashmir question, together with the changing parttern of the Power relations in Western and Southern Asia." The Indian Press was in no doubt that Mr. Jarring was impressed by India's contention that Pakistan's memberhip of Baghdad Pact and the South-East Asian Treaty Organization had vitally affected the solution of the Kashmir quesiton, and that he had also taken note of the situation in Kashmir on both sides of the ceae-fire line, specially the considerable political and economic progress made in the State of Jammu and Kashmir, under the Indian administratin. Mr. Jarring's observation that "on exploring this question of a plebiscite, I was aware of the grave problems that might arise in connection with and as a reslt of the plebiscite" indicated the appreciation of the communal passions that would be aroused in the subcontinent by a plebiscite irrespective of its result.

Mr. V.K. Krishna Menon gave the reasons for the rejection of arbitration by India when he declared in Bombay on May 3, 1957, that there could be no arbitration on self-evident facts. The U. N. C. I. P. had itself found that the introductioin of Pakistani forces into Kashmir had brought about a "material change" in the situaiton. The August 13, 1948, resolution of the U. N. C. I. P. had laid down in Part I certain conditions that should obtain before the steps laid down in Parts II and IIi could be taken. One of the conditions laid down included that there should be a proper and peaceful atmosphere brought about in the two countries before a plebiscite could be held in Kashmir. Mr. Menon added that Mr. Jarring himself had been his country's envoy in Pakistan and so he could also judge for himself whether the Press and the public in Pakistan were helping to bring about the sort of atmosphere that was required by the resolution, and necessary for the implementation of its recommendations.

Mr. Menon declared that the conditions laid down in the two U. N. C. I. P. resolutions which India had accepted were not matters of opinion on which there could be 'arbitration'.

Pakistani Reactions

In Karachi, Mr. Feroz Khan Noon made the following statement on the Jarring Report :

"When the Security Council asked Mr. Jarring to undertake this work....I was sue that they had placed an impossible task on his shouldes, knowing full well that Mr. Nehru would never accept any solution which meant granting self-determination to the people of Kashmir in accodance with the Security Council resolution : because Mr. Nehru knows, just as the whole world knows, that he is in unlawful and forcible possession of Kashmir, depriving the people of that unfortunate state, of their freedom. They are living under the shadow of bayonets. Mr. Nehru has introduced the worst kind of imperialism and colonisalism. It is now for the United Nations to consider how they are to deal with a gentleman who is defying the united opinion of the civilized world. Pakistan will never rest until the people of Kashmir are free." The statement of the Hon'ble Foreign Minister of Pakistan was devoid of truth. It does not deserve any comment, and we would make none.

Discussion on the Jarring Report in the Security Council

On August 21, 1957, Pakistan's Permanent Representative at the United Nations Mr. Ghulam Ahmad, in a letter to the Security Council President, Dr. Francisco Urrutia (Colombia) requested for a meeting of the Security Council to discuss further action on the Kashmir issue. The letter said : Under instructions from my Government, I have the honour to request that a meeting of the Security Council be called to discuss the report of Mr. Gunnar Jarring, the representative of Sweden, on the Indo-Pakistan question and to consider further action.

"I also request that if it is feasible the meeting may be called during the first week of September, 1957."

The Security Council met on Setember 24, 1957 to discuss the Jarring Report. The Pesident of the Council Mr. E. Nunez-Partuondo (Cuba) invited the delegates of Pakistan and India to come to the Council table as 'interested parties.'

The Foreign Minister of Pakistan, Mr. Feroz Khan Noon, leading his country's delegation, addressed the Council and said that his country had accepted every suggestion for a peaceful solution of the Kashmir issue made by Mr. Jarring. He accused India of rejecting the Jarring proposals. Mr. Noon added, that there was no change in the basic factors in Kashmir, and if at all there was no change in the basic factors in Kashmir, and if at all there was any change, it was brought about by India in defiance of the Security Council directives. India's assertion that a plebiscite in Kashmir would lead to communal conflict was a threat of genocide and political blackmail. Mr. Noon quoted from Mr Jarring's report the observation that he had noted the concern expressed in connection with the changing political, economic, and strategic factors surrounding the whole Kashmir question, together with the changing pattern of Power relations in West and South Asia, "and that adhoc international agreements might become progressively more difficult to implement because the situation with which they were to cope had tended to change." Mr. Noon said that in the first observation, Mr. Jarring was clearly referring to what he was told by the Indian Government since nothing of the kind was ever mentioned by the Government of Pakistan. Mr. Noon added that even if we grant that any political, economic or strategic factors had changed the pattern of Power relations in West and South Asia, the changes occurred had not even the remotest conexion with the plebiscite pledge given to the people of Kashmir.

Referring to the military aid from U. S. A. Mr. Noon said : "Who is India to question what we do inside our country" ? Mr. Noon told the Council that since all efforts to seek a settlement of the Kashmir dispute through negotiation and mediation had failed, it was essential to "squarely face the issue raised by India's persistent refusal to carry out her international obligations with regard to Kashmir." He declared that the Council should proceed from the place where it left the disute on December 23, 1952, and take "positive steps to bring about demilitarization so as to ensure that a pelbiscite takes place." He urged that all troops, whether of India or Pakistan, be withdrawn from the Kashmir cease-fire line and a United Nations force be stationed there to prevent any violation. In the end, he stated "If India creates conditions favourable for a plebiscite, this unfortunate dispute which has lasted over a decade and embittered relations between two neighbouring countries, will be peacefully and specedily resolved."

Mr. V. K. Krishna Menon, said that Mr. Noon's statement was "a whole tissue of misstatement of fact which attributed malafides to the Government of India as well as "misstatements about the law and constitution of Pakistan." Mr. Menon wanted time before he replied in detail. The Council then adjourned.

Mr. V.K. Krishna Menon's Reply : On the resumption of debate on Kashmir, on October 9, 1957, Mr. V. K. Krishna Menon, reasseted that the Pakistani aggression in Kashmir should cease. Mr. Menon demanded that there should be complete disbanding and disarming of the Azad Kashmir forces, total evacuation of Northern territories and recognition of the Jammu and Kashmir Government. He added that India must get some assurance that Pakistan would not allow the passage of irregulars accross her territory again. All military installations except those existing before August 13, 1948, should be dismantled.

India' Defence Minister accused the Pakistan Government and Malik Feroz Khan Noon himself of financing and promoting a campaign of sabotage, murder, and incitement to crimes in Kashmir and said that Indian Government had intercepted funds sent from Pakistan to their agetns in Kashmir for such nefarious activities. He alleged that in "the Pakistan occupied areas of Kashmir there were vast number of troops, airfields and all the accoutrements of war. we take it as a matter of fact that this enormous military potential constitutes a threat to India's frontier—we are in no way disposed to trifie with this matter.

He said that he accepted the U.S. assurance that the military aid given to Pakistan would not be used against India. But he quoted a number of statement by the Pakistan leaders and officials of the Baghdad Pact and South East Asia Treaty Organization countries which indicated that these alliances were being used by Pakistan to oppose India on the Kashmir question.

Mr. Menon reiterated that India was bound only by the two U. N. C. I. P. resolutions. All other discussions and conversatioins were expolratory. He added that it was asolutely useless to tell India that she had agreed to this or that at one time, and therefore were bound by it. "Conditions have changed" stated Mr. Menon.

He continued that a million Muslims had retuned to India from East Pakistan, and 100,000 from West Pakistan. Such a movement did not support Pakistan allegations that India was carrying out a policy of genocide. These people had come to India to find "more food, more shelter, more liberty, more civilizations."

Mr. Menon went on that in violation of agreement Pakistan had increased its forces in the occupied Kashmir. Since the last Security Council metting on Kashmir, the Pakistani forces in Kashmir had been doubled or trebled. There was also a report of the building of a gun-power factory on the Pakistan side of the cease-fire line.

Referring to the construciton of Mangla Dam, Me. Menon siad that India did not oppose progress. But she did take note of other considerations. For instance the interest of the people who lived there. The dam would irrigate 20,00,000 acres in Pakistan, not in Kashmir. Besides as a result of the construction of the dam, 122 villages in Jammu and Kashmir would be submerged. Five political parties in Jammu and Kashmir had protested to Karachi against the building of the dam. Mr. Menon added that by way of contrast, the Banihal tunnel, not only not infringe on anyone sovereignty but actually benefitted the people of Kashmir to sen their commerce to the plains of India.

Mr. Menon alleged that Pakistan was aiding and abetting acts of subversion and sabotage in Kashmir and in this connexion referred to the formation of Kashmir Liberation Front in Pakistan between. May and July 1956. Mr. Menon added that some of the captured Pakistani agents had confessed that they were trained by Pakistan Army officers.

Mr. Menon then took up the charges made by Mr. Feroz Khan Noon. The first was that India had broken off the negotiations. Mr. Menon said that there had been direct negotiations, and they were not terminated by India. They were cut off by Pakistan. "Our position is that the negotiations were exploratory in the context of the times. The second demand of Mr. Noon was that the dispute involved a threat to peace, Mr. Menon replied that it was no dispute. It was a case of aggression by Pakistan on India. Mr. Menon daid that of course there was a threat to peace, but the threat came from Pakistan. Mr. Menon continued, that Mr. Noon had suggested, that all forces should be withdrawn from the cease-fire line. Mr. Menon replied that Mr. Noon had authority over Pakistan troops and could withdraw them any time he wishes, but the Indian forces were stationed only on Indian territory and that there had been no increase of Indian military strength in Kashmir. "We have no intention of doing so." Pakistani forces on the cease-fire line were as a matter of fact stationed on the occupation of the ceae-fire line by a U. N. force but the vacation of aggression. With regard to the U. N. forces, Mr. Menon declared that India would regard the participation of any friendly nations "in any attempt of foreign occupation as an unfriendly act."

The Indian delegate added that Mr. Jarring had referred to India's basic position—that was that India been invaded by Pakistan. "Our complaint is before the council. Until is is withdrawn, Pakistan still stands charged with aggression.

Mr. Menon said that India had rejected Mr. Jarring's proposal of arbitration to decide whether Part I of the U. N. C.I.P. resolutioin of August 13, 1948 had been implemented or not, beause there could not be arbitration on the obvious. Mr. Menon declared that the Security Council was not competent to render juridical decisions. Therefore, India regarded the matter of arbitration as closed.

Mr. Feroz Khan Noon replying to the points raised by Mr. Menon stressed that it was hardly relvant to argue at that stage as to which side had started aggression because such an argument would not be conducive to a peaceful settlement. Mr. Noon said that both the U. N. C.I. P. resolutions aimed at achieving demilitarization to be followed by a plebiscite under the U.N. auspices. Mr. Noon said that there had been no augmentation of the military potential in Jammu and Kashmir by Pakistan, and added that there had been no increase in the number of scouts in 'Azad Kashmir.' The Council then adjourned without fixing a date for further meeting to discuss Kashmir.

The Security Council resumes discussion on Kashmir. The U. K. proposes to send Dr. Graham once again to the sub-continent.

Discussion on Kashmir was resumed by the Security Council on October 25, 1957. Sir Pierson Dixon, the British representative suggested that Dr. Frank Graham should be once again asked to take up the question of demilitarization in Kashmir with the Government of India and Pakistan on India's basic stand that the Security Council should give a verdict on her complaint of aggression against Pakistan , and that Pakistan should be asked to vacate the aggression, Sir Pierson stated that he did not feel it would lead to progress in the settlement of the dispute, if the Council were to go over this ground again.

Mr. J. Wadsworth (U. S. A.) and Mr. Kashmir Khalaf (Iraq) also spoke in favour of the resolution. Descussion on Kasmir was again held on October 29, when five more members of the Security Council—Australia, the Philippines, Cuba, France and Sweden sopke. There the near unanimity to revive the Graham mission. Mr. Gunnar Jarring (Sweden) lent qualified support to the proposal. Dr. E. R. Walker (Australia) said that the reference to the threat of genocide by Mr. Feroz Khan Noon was not helpful in a situaiton. In the same way, Mr. Mrnon's description of the nature of present conditions along the frontier did not seem to Australia to relieve the tension. Referring to the statement of Mr F. K. Noon that all reprsentatives of the Counicl had regareded the Indian allegation (of Pakistani aggression) as unworthy of consideration, Dr. Walker said that it was "interpreted by some persons as indicating that we had pronounced India's complaint to be insubstantial and hence and worth examinitation. I must say that we have not made any such pronnuncement at all on the matter becauese we do not believe it would be helpful to do so." Dr. Walker concluded his statment by offering the wholehearted support of Australia to the revival of Graham mission.

General Carlos P. Romulo (Philippines) and Mr. Georges-Picot (Fraance) supported the suggestion of Sir Pierson Dixon, while Dr. Emillo Nunez-Protuondo (Cuba) supported Pakistan' proposal for the despatch of a United Nations force in Kashmir.

Mr. Gunnar V. Jarring (sweden) said that he was interested to learn the reaction of India and Pakistan to the Swedsih suggestion that certain legal aspects of the Kashmir dispute might be referred to the International Court of Justice for an advisory opinion. He added that his Country would not oppose the British suggestion if met with general support.

Mr. V.K. Krishna Menon wanted time before he could make a statement. He said that he would reserve his intervention in the debate to a later stage. The Pesident of the Security Council then adjouned the meeting. The next meeting of the Security Council was held on November 5, 1957, when M. Sobolov (U. S. S. R.) made a statement. M. Sobolv said that it was clearly reflected from Mr. Jarring's report that fundamental changes had occurred in the past ten years. In view of these changes, it would not be realistic to be guided by recommendations and proposals made several years ago. He pointed out that India had already geiven the right of self-determinatioin to the Kashmir through elections, and that they had thereby definitely decided their future. M. Sobolv denounced all suggestions for an international force, or for the settlement of the question through mediatores, as an attempt by the Western Powers to put pressure on India. in order to bring about a change in her foreign policy.

Mr. V. K. Krishna Menon replied at length to the discussion on November 5 and 11; on the latter date, Mr. Menon collapsed from exhaustion after speaking for many hours, and had to postpone the conclusion of his speech until Novermber 13, 1957.

Referring to Sir Pierson Dixon's statment that the Security Council had felt unable to pronounce on India's "major premise" that Pakistan was the aggressor in Kashmir, Mr. Menon said, "We regard this major premise as not only ture but as basic and fundamental...It is quite true that they (Pakistan) have not been branded as aggressors. Perhaps it is our fault. We did not ask for it at that time. We said that we did not want any name calling—that we wanted them to call off aggression. That is all we ask today. Therefore, it is not our position that aggession has to be proved. It is our positions that the resolutions by which we are engaged are built upon the basis that India has made a complaint of violation of her territory.....If the representative of the U. K. dies not accept that major premise, I am afraid that he is straying from the principles of the charter."

Mr. Menon alleged that the Beghdad Pact was being used agaisnt India and in support of his contentioin quoted an aidememoire submitted by the Ambassador of Iraq in India on June 26, 1956, which stated that the Kashmir issue affected the security of the area, and that Iraq as a member of the Baghdad Pact "feels that it cannot but be inerested in anything that upsets the security of the area." The Government of Turkey had submitted a similar note on May 4, 1956 declaring that "since the Kashmir problem is creating unrest in the Middle East, it concerns the Baghdad Pact, which was set up for the defence of that area." Mr. Menon added : "If this is not a military pronouncement what else is it ? I should like to ask both the representative of U. S. A., and the representative of the U. K. whether this last statement is correct in regard to all members of the Pact...... Do they subscribe to this statement because it is spoken on behalf of the members of the Baghdad Pact ?

With regard to Mr. Jarring's suggestion that certain legal aspects of the Kashmir dispute should be referred to the International Court of Justice, Mr. Menon said that if Mr. Jarring meant the question of accession "that was a part of the law with which Pakistan, the United Kingdom and India were familiar." Mr. Menon declared that India did not reject the idea of appealing to the International Court of Justice, but certain conditions must be fulfilled before-hand—i. e. assurances must be given that Pakistan would abide by the advisory opinion of the Court and the former Foreign Minister of Pakistan (Sir Mohammad Zafrullah Khan, and a Judge of the International Court of Justice at that time—1957) must disqualify himself legally and in spirit. On the question of demilitarization, Mr. Menon stated that it referred only to Pakistan, which had "placed troops within India's borders"; India herself was allowed to maintain as many troops as the could or courd not afford on her own territory, aince no state could be called upon unilaterally to disarm.

Mr. Feroz Khan Noon replied to Mr. Menon's charges on Novermber 15, 1957. He declared that "the real reason for the endless repetition by India of baseless charges against Pakistan in regard to her defensive alliances 'was' the failure of Indian deplomacy to bring about the political and military isolation of Pakistan." Mr. Noon added, that Mr. Menon had "tried to make moral and political capital out of the fact that India came as a complainant to the Security Council against Pakistan," and his intervention constituted "a major attempt to confuse the issues" and "to confound world opinon." Mr. Noon further declared, that if Council decided to to into the question of aggression, Pakistan would press that "all the transactions in connexon with the accession of Indian states pending before the Security Council, and not only the single case of Kashmir, must be investigated and pronounced upon."

Mr. Noon also referred to Mr. Jarring's proposal, and said that the issues involved in the Kashmir dispute were rather of a political than juridical nature. The reference to the International Court of Justice would merely delay a settlement, and might thereby threaten peace. Besides there was no guarantee that the opinion of the Court would be accepted or enforced. He. however, daid that Pakistan would give due consideration to the auggestion at some approrpiate time. At the end of his speech, mr. Noon welcomedthe idea that Graham mission should be revived.

In a brief reply to Mr. Noon, Mr. Menon said that he (Mr. Noon) had not only made "mis-statement from my speeches but also from official records" and added that though no new facts were brought out in Mr. Noon's speech, the Government of India wanted to make a full examinaiton of the statement. We don't take any thing that comes from Pakistan lightly and we would like to reply to it. There was a "serious charge of genocide" in the statement and also charges against India which were "entirely unfounded."

The Five Power Draft Resolution on Kashmir sponsored by the U. S. A., the U. K., Australia, Colombia and Philippines on Novmber 16, 1957.

On November 15, 1957, the United Kingdom, the United States, Australia, Colombia and the Philippines tabled a resolution which authorised Dr. Frank Graham, former United Nations Representative for India and Pakistan to visit the sub-continent again in order to seek a settlement of the Kashmir problem. The following is the text to the Five-Power Resolution.

"The Security Council, having received and noted with appreciation the report of Mr. Gunnar V. Jarring, representative of Sweden, on the mission undertaken by him persuant to the Security Council Resolutioin of February 21, 1957."

"Expressing its thanks to Mr. Jarring for the care and ability with which he has carried out his mission.

"Observing with appreciation, the expression made by both parties of sincere willingness to cooperate with the United Nations in holding a peaceful solution;

"Observing further that the Government of India and Pakistan, recognize and accept the commitments undertaken by them in the resolution of the United Nations Commission for India and Pakistan dated August 13, 1948, and January 5, 1949, which envisage the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite and that Mr. Jarring felt it appropriate to explore what was impeding their full implementation;

"Concerned over the lack of progress towards a settlement of the dispute which his report manifests;

"Considering the importance which it has attached to the demilitarization of the state of Jammu and Kashmir as one of the step towards a settlement;

"Recalling its previous resolutions and the resolutions of the United Nations Commissioinfor India and Pakistan on the Indo-Pakistan question;

"(1) Requests the Government of India and the Government of Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation and to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations;

"(2) Requests the United Nationa Representative for India and Pakistan to make any recommendatioins to the parties for further action which he considers desirable in connexion with Part I of the U. N. C. I. P. (United Natioins Commission for India and Pakistan) resolution of August 13, 1948, having regard to his third and fifth reports and the report of Mr. Gunnar V. Jarring (of Sweden) and to nter into negotiatiions with the Government of India and Pakistan in order to implement Part 2 of the U. N. C.I P. resolution of August 13, 1948, and, in particular, reach agreement on reducation of forces on each side of the cease fire line to a specifc number arrived at on the basis relveant to the Security Council resolution and haviang regard to the fifth report of the United Nations Representative for India and Pakistan.

"Calls upon the Government of India and Pakistan to co-operative with the United Representative in order to formulate an early agreement of demilitarization procedure, which should be implemented within three months of such agreement being reached;

"(4) Authorizes the United Nations Representative to visit the sub-continent for these purpoes;

"(5) Instructs the Unted Nations Representative to report to the Security Council on his efforts as soon as possible."

India's strong oppostition to the resolution

When the Security Council resumed the discussion on Novermber 18, Mr. Krishna Menon strongly opposed the Five-Power resolution. The reasoning of India was simple. The resolution went against the U.N. Charter, and India would not honour it if ever approved. Mr. Menon alleged that Britain was instrumental in bringing the resolutioin, and said that ever since the Kasmir issue had come before the Cuncil, she had taken a totally partison attiude. The British Government was presumably prejudiced against India and her present attitue might have been influenced by India's stand on the British invasion of Egypt. Mr. Menon remarked that it was not good maners to have tabled a resolution before India had replied tothe calumnies of Pakistan. He must answer the calumnies of the man (Mr. Noon) who was "personally responsible" for sabotage and murder in Kashmir. Britian supported the sabotage and those responsible for it. Later, Mr. Menon withdrew some of his remarks. Sir Pierson Dixon (U. K.) had protested against Mr. Menon's observation that Britain was "partsan in regard to Kashmir" or that Britain had "hatched a resolution directed against India." To this Mr. Menon had said that he was quite agreeable to having any words taken out if they offended Sir Pierson.

Mr. James Wadsworth (U. S. A.) who introduced the resolution, said that the sponsonrs of the resolution felt that agreement on a reduction of forces on both siedes of the cease fire line would help to reduce tension and promote an atmosphere more conducive to a settlement.

Sir Pierson Dixon (U. K.) described the resolution as "an attempte to bride the opposing views of the two Governmens in this matter of demilitarizaion." He stressed that the references in the resolution to the earlier decisions and recommendatiions constituted no attempt "to give some special authority to a previous series of suggestins which have proved unaceptable.

Mr. Alfosno Araujo (Colombia), Dr. Ronald Walker (Australia), Dr. Carlos P. Romulo (Philippines) and Dr. H. Jawad (Iraq) also spoke in support of the resolution. Mr. Feroz Khan Noon (Pakistan) stand on November 20, 1957, that only through speedy demilitarization could progress be made towards the implementation of the two U. N. C.I. P. resolutions by which both India and Pakistan were bound.

Mr. V.K. Krishna Menon and Mr. Arkady-Sobolov (U.S.S.R.) addressed the Security Council on November 21.

Mr. Menon said that Mr. Feroz Khan Noon had charged him with inaccuracy and contradictions over the Azad Kashmir forces. Mr. Menon admitted that it was quite ture that he had said that there were 43 Pakistani battalions there last year but he added that if there were fewer now, it was because they had been re-orgaized and not because their fighting strength had been reduced. He recalled that Mr. Jarring in his report had stated that here was deadlock over Part I or the U.N.C.I.P. resolution of August 13, 1948. He maintained, however, the draft resolution referred only to the implementation of the Part II of the resolutioin. Mr. Menon said that thus the resolution was a repudiation of Mr. Jarring's report. He added, that there was a significant ommission in the draft resolution, in that no reference was made to the resolution of January 17, 1948. That was a most important resolution. If that one had been observed, there would not be any argument.

Mr. Menon added, that India was ready to honour her commitments the moment Pakistan performed Part I of the August 13, esolution, and withdrew its forces and equipment, and provided India was assured that it was not "just a 24-hour affair." He concluded : "Our contention aggression. It weill create trouble in India and in Kashmir."

Mr. Arkady Sobolov (U. S. S. R.) declared that the Five-Power resolution took into account the position of Pakistan, and that it was "in sharp variance" with the principles of U.N. Charter. The representatives of the U.K. and the U.S.A. had stated that the draft resolution was a compromise formula which required concessions from both the parties, but as a matter of fact, M. Sobolov asserted that it served the interest of only one party—Pakistan, and did not take India's position inot account, because it tried to impose quite unacceptable conditions on India. It was obvious that "such endeavours" were at "sharp variance with the provisions of the Charter regarding peaceful settlement of disputes between States."

Mr. Sobolov continued, that the large scale military aid given by the West to Pakistan clearly indicated that it (the West) wanted to turn Kashmir into a "fortified military bulwark." Pakistan's equipment with modern weapons, the building of jet airfields and the building of a "Kashmir bulwark" had made relations between India and Pakistan more difficult and the solution of the Kashmir dispute harder. He added that the public opinion had been alarmed by the change in the strength of the armed forces in Kashmir area, and by the increase in tension. These had been reflected in Mr. Jarring's.

M. Sobolov made a realistic statement when he declaed :

"We believe that India, abiding by a peaceful foreign policy, has grounds for concern. Military measures taken by the Pakistan Government are carried out with the support of states which showed not so long ago that in order to achive their objectives they will not shrink from rsorting to armed force. Change in the strength of armed forces and increased tension in that area give rise to alrrm the world. This alarm was reflected notably in the report of Mr. Jarring. He emphasized the necessity for a new constructive approach to the Kashmir question and said that the Council will furthermore be aware of the fact that implementation of international agreements of an adhoc character which has not been achieved fairly speedily may become progressively more difficult because the situaion with which they were to cope had tended to change."

"The Soviet delegation attaches importance to these considerations and considers that the Security Council could not take any decision on the Kashmir question without making allowance for the reality of the fct........."

M. Sobolov added : " This proposal has been drafted as it were out of time and out of place. Inded, the draft rsolution proposes that we should once again seek a solution of the Kashmir question along the lines which many years of experience have proven inapable of yielding any positive results.

M. Sobolov further pointed out : "The draft resolution places special emphasis on the implemenation of mesures which the authors call "demilitarization." In this connexion it is, I belive, in order to ask one of the authors of the draft resolution, the United States representative whether this proposal on demilitarization also extends to discontinuing the supply of United States military equipment to Pakistan as well as the construcioin of military bases on Pakistan territory." He added that the massive U.S. military aid to Pakistan had a nefarious effect on the situation in Kashmir and created obstacles in the solution of the Kashmir question. He emphasized the need for adopting a new approach to the Kashmir question in the light of reality.

M. Sobolov concluded by saying that he hoped that the Council would reject Five-Power resolution, and made it clear that the Soviet Union would vote against the resolution.

Swedish Amendments to the Five-Power Draft Resolution

On November 28, Mr. Gunnar V. Jarring of Sweden introduced a few amendments to the Fove-Power resolution. The following are the amendments suggested by Mr. Jarring :

"(1) In the fourth paragraph of the premble, delete the words commitments undertaken by them in and insert instead provision of its resolution dated January 17, 1948, and of :

"In the same paragraph, insert between the words 'envisage' and the determination the words in accordance with their terms................'

"(2) Replace opeative paragraph 2 by the following text :

"Requests the U. N. Representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view o making progress towards the implementation of the resolutions ofthe U. N. Commission for India and Pakistan of August 13, 1948 and January 5, 1949, and toward a peaceful settlement."

"(3) Delete the operative paragraph 3;

"(4) Delete the opeative paragraphs 4 and 5 accordingly."

After a 27 miniute meeting the Security Council adjourned to give India and Pakistan time to study the amendments.

Before the adjournment the Pakistan delegate, Mr. Feroz Khan Noon, told the Council that he wanted time to consider the amendments. Mr. V.K. Krishna Menon (India) siad that whatever the fate of amendments be, India appreciated the spirit of the Swedish delegate in moving the amendments.

Amended Resolution Adopted on December 2, 1957.

The Security Council, again met on December, 2, 1957, when it adopted the Swedish amendments to the Five-Power draft resolution. The vote was 10 to none, with the Sovit Union abstaining.

After. the Security Council had adopted the amended resolution. Mr. Krishna Menon said that the only resolution, which India could accepte was one calling upon the aggressor to vacate its aggression in Kashmir. Mr. Menon added that though India did not accept the resolution, Dr. Graham would get the traditional Indian hospitality if he went there. Regarding the Swedish amendments, Mr Menon said that he had already expressed appreciation of the efforts of Mr. Jarring to bring the resolution more in line with his report. Mr Menon, however, regretted that it did not really bring the resolution in line with his repor. "However, that does not take away the effort or the motive. Therefore, I hope that he will accept both on his behalf and on behalf of his country our gratitutde with regard to that", concluded Mr. Menon.

Mr. Arkady Sobolov's Oppostion

M. Sobolov (U. S. S. R.) said that he would not support the draft resolution even in its amended form. "If some resolution were to be adopted by the Council, I believe the correct thing would be to delete reference to demilitarization. In discussing the Five-Pover Draft Resolution, I would suggest deletion of paragaph 6 of the premble which reads : "considering the importance which it has attached to demilitarization of the State of Jammu and Kashmir as one of the steps towards a settlement." M. Sobolov said that the meaning of the word demilitarization had not been clarified. It was not clear whether the term demilitarization also implied the stoppage of military aid to Pakistan and the terminaiton of military bases in that region. The quesition of reducing the number of troops on both sides of the cease-fire line was a secondary point in the Soviet view. M. Sobolov felt that it was inappropriate to impose mediation mission on the two parties. The right step would be of direct negotiations. M. Sobolov added that the draft resolution did not reflect the changes in the political, economic and strategic factors connected with the Kashmir question nor the chnaged relationship of forces in that region of Asia. "In the draft resolution Mr. Jarring's conclusion has been omitted, namely, that the obstacle to the implementatin of the U. N. C.I. P. resolutions is that Part I of the resolution of August 13, 1948, has not been implemented..........." M. Sobolov said that another difficulty in the solution of the Kashmir question was the ani-Indian campaign carried out in that area. The U.S.S.R. delegate concluded : "In our view, discussion of the Kashmir question in the Council should not be utilized as a pretext for intervention in the affairs of Asian countries from outside or for foisting upon them anyone else's will in any from."

Mr Feroz Khan Noon (Pakistan) said that he would not oppose the resolution which was designed to further "full implementation of the U. N. C.I. P. resolutions." He. however, regretted that the specific objectives mentioned in the resolution, particularly in regard to demilitarization were not emphasized in the resolution.

Mr. James Wadsworth (U. S. A.) and Sir Pierson Dixon (U.K.) had earlier made statements in support of the resolution. Sir Pierson had stated that Britain hoped that the resolution would contribute to a solution. Earlier on Novermber 28, 1957, Sir Pierson Dixon had declared that Britain desired "to avoid any proposal which would give offence to either India or Pakistan." The statement appears to be somewhat hypocritieal. It was the Soviet threat of using veto, which brought the amendments into the original Five-Power resolution, otherwise there should be no doubt that the sponsors of the resolution would have thrusted it upon India.

The introduction of the amended resolution was merely a device to save face in the wake of the Soviet threat of veto.

Last time in February 1957, when the Soviet Union had voted the resolution to send the United Nations foces to the Indian sub-continent, a face saving resolution was brought by the sponsors of the original resolution was brought by the sponsors of the original resolution themselves. This time the task was assigned to Mr. Gunnar Jarring. One of the major defectd of the amended resolution was that it treated the situatioin in the same way as it had treated, when India had brought the issue before the Security Counicl in 1948. Since then the situaiton had undergone a great change, which was accepted by Mr. Jarring himself in his report to the Secourity Council, still no reference was made of the changed conditions in the amended resolution. Curiously enough Mr. Jarring had ignored his own findings. But in spite of the defects the amended resolution was a definite improvement over the original Five-Power resoultion. The adoption of the amended resolution reflected one more thing, that the friends of Pakistan were not prepared at that moment to take the issue befoe the General Assembly.

The Second Grabam Mission to India and Pakistan

In accordance with the Security Council resolution of December 2, 1957, Dr. Frank P. Graham the United Nations Representative for India and Pakistan, visited the sub-continent from January 12, 1958 to February 15, 1958 for discussions with the Government of India and Pakistan on the Kashmir question. Dr Graham arrived in New Delhi on January 12, 1958 and had introductory talks with Mr. Nehru Mr V. K. Krishna Menon (Defence Minister) and Mr. M. J. Dedai, (Commonwealth Secretary). After his initial talks at Delhi, Dr. Graham proceeded to Karachi on Jaruary 17, where he had talks with Mr. Feroz Khan Noon (the Prime Miniser and Foreign Minister of Pakistan), Mr. S . A. Baig (Foreign Secretary) and Mr. Din Mohammed (Adviser to the Government of Pakistan on Kashmir Affairs). Dr. Graham paid two more visits to Delhi (January 28 to February 1, and February 7 to 18) and two to Karachi (February 1 to 7, and February 13 to 15) before he left for Geneva to draft his report.

The Graham report was published on April 3, 1958, in which the United Nations Repesentative for India and Pakistan gave details of a five-point plan for the settlement of the Kashmir problem, which he had presented to the two Governments. The envisaged declarations by the two Governments, apealing to their respective people to maintain an atosphere favourable to negotiations, and re-affirming the inviolability of the cease-fire line; the withdrawal of the pakistani forces from Kashmir, and he stationing of a United Nations force on he pakistani side of the Kishmir border; discussions between the United Nations Representative and the two Governments on the possibility of a plebiscite, and a meeting between the prime ministers of India and Pakistan at the earliest possible date. The Government of Pakistan, accepted these recommendations in practice while the Government of India rejected them on the grounds (a) that they bye-passed the questioon of Pakistan's failure to implement the U.N.C.I.P. resolution of August 13, 1948, and (b) that they would "place the aggressor and the aggressed on the same footing."

We reproduce below, the most important passages from Dr. Graham's report.

"In the debates in the Security, held between September and December 1957, the Government of India and Pakistan affirmed that they continued to be engaged by the resolution of August 13, 1948 and January 5, 1949. In my initial discussions with the two Governments, I addressed myself to certain obstacles which appeaed to stand in the way of progress in the implementation of these two resolutions. Foremost among these was the procedure for the withdrawal of he bulk of the Indian army, as provided for in Part II of the resolution of August 13, 1948......I therefore embark on discussions with the two goverminents to ascertain heir views on how these difficulties might be overcome. In following this approach, I was of course fully aware of the fact that the Government of India had not acepted the resolution of the Security Council of December 2, 1957, and of their position regarding the actions contempleated in the resolution of August 13, 1948, but I believed that they would be interested in finding wasys and means to facilitate implementation of those elements which were standing in the way of withdrawal of Pakistan stroops from the State.

"In my conversations with the two Governments I could not fail to note that the objective envisaged in Part II A—namely, the withdrawal of Pakistani troops from the State—was clear enough, the method and machinery to be pursued to this end would be likely to create its own problems. As I envisaged the situation that would obtain after the withdrawal of Pakistani troops, I foreseaw, as provided by the first U. N. C. I. P. resolution, as area administered by the local authorities under the surveillance of the U, N. Commission, or as it had now develped, of the successor organ, the U. N. Representative for India and Pakistan.

"It should be noted that the position of this territory is of a peculiar natue. Its sovereignty rests with the Stae fo Jammu and Kashmir, but the full exercise of that sovereignty would be limited under the rsolution by (a) the surveillance of a U. N. organ, and (b) the commitment by India that her forces would remain within the cease-fire line. India that her forces would remain within the cease-fire line. Furthermore, the degree of U. N. concern with the administration was left undertermined by the Commission by using the term 'surveillance'. Such problems as logistics, economics and supply...have been fully considered....

"Thus it would appear that the execution of section A in Part II might create more serious difficulties than were foreseen at the time the parties agreed to that clasuse. The determination as to who are the local authorities might not be an easy matter. Whether the U. N. Respresentative would be able to reconstitute the status quo which had obtained some ten tears ago, would seem to be doubtful. I therefore come to the conclusion that prior negotiations with the parties on these problems could not only be esential but imperative, otherwise the evacuated territey might be left in an unsettled condition.

"Since I was aware that the Government of India were concerned about the security of the evacuated territory, and more particularly were apprehensive that the Pakistan Army, after its withdrawal, might return to the territory, I felt it my duty to give serious consideration to ways and means to allay this oncern. I therefore proposed the feasibility of placing a U. N. force on the pakistan side of the Pakistan and Kashmir border should be explored. If this conception in principle were to meet with approval, agreement might be sought from the Pakistan Government for receiving such a force, and the negotiations might be initiated within the U. N. on the size, composition, and functioning of such a force.

"Other suggestions were also discussed informally with the two Government. In viww however, of the urgency of what I considered the most immediate requirement of the situation—namely, resumption of direct negotiations under U.N. auspices—I decided to make my formal proposal with as little detail as posible.........

"Thus, on the day of my departure from the sub-continent on February 15,1958, I submitted to the representatives of both Government the following recommendations :

"(1) That they should considerthe possibility of a renewed declaration in line with the January 17, 1948 resolution of the Security Council and of Part I of the August 13, 1948, resolution, under which they apeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to further negotiations, and in which they undertake to refrain from statements and actions which would aggravate the situation.

"(2) That they reaffrm that they will respect the integrity of the cease-fire line, and will not cros or seek to cross the line n the ground or in the air, thus further assisting in creating a more favourable a tmosphere for negotiations.

"(3) The withdrawal of Pakistan troops from the State of Jammu and Kashmir is provided for in Part II of the August 13, 1948, resolution. Pending a final solution, the territory evacuated by Pakistan troops is to administered by the local authorities under the surveillance of the Commission. Part II of this resolution also provides for the withdrawal of the bulk of Indian forces from the State in stages to be agreed upon with the Commission.

"In an effort to speed the implementation of these actions provided in Part II, the U. N. Representative is suggesting that a prompt study be undertaken under his auspices, of how the territory evacuated by the Pakistan troops could, pending a final solution, be administered in acordance with the provision of the resolution. With a vew to increasing the security of the area to be evacuated, the U. N.Representative recommends that consideratioin be given to the possibility of the stationing of a United Nations force on the Pakistan side of the Pakistan and Kashmir border, following the withdrawal of the Pakistan Army from the State.

"(4) If progress is to be made in the settlelment of the Indo-Pakistan question, there is need for an early agreement between the two Governments on the interperetaion that should be placed on Part III of the August 13 resolution and those parts of the Januray 5 resolution which provide for a plebiscite. In this connexion the U. N. Representative would call attention to the communique of the Prime Ministers of India and Pakistan Issued in New Delhi in August 1953, which recognized that a plebiscite had been agreed to and expressed the opinion that a solution should be sought, causing the least dosturbance to the life of the State."

"The U.N. Respresentative will be condisdering with the two Governments the means and timing under which agreement might be sought on these questions.

"(5) The U.N. Represeentative, believing that further negtiations on the questions which he has been considering with the Government of India and Pakistan would be useful, and believing that it would facilitate preogress if these negotiations could be undertaken at the highest level, proposes to the Governments that a Prime Ministers Conference be held under his auspices in early spring. If the latter recommendation would not be agreeable to either or both Governments, the U.N. Representative recommends tothe parties that they keep the general proposal, or any reasonable variation thereof, under consideration, and that such a conference be held at the earliest practicable date.

"The Government of Pakistan agreed to these recommendations in principle. They informed me that they were willing to make a renewed declaration as suggested by me, and that they wer prepared to reaffirm that they would respect the integrity of the cease-fire line. They informed me further that they were prepared to withdraw Pakistan troops from Kashmir simultaneously with the withdrawal of the bulk of Indian forces from the State in stages toobe agreed upon with the Commission as provided in Part II of the August 13, 1948, resolution. They also agreed with my recommendation that a prompt study be undertaken under the asupices of the U.N.C.I.P. of how the territory evacuated by the Pakistan troops could, pending a final solution, be administered by the local authorities in accordance with the provisions of the resolution.

"The Government of Pakistan also informed me that they were agreeable to my recommendations to consider the possibility of stationing a U.N. force on the paksitan side of the Pakistan and Kashmir border, following the withdrawal of the Pakistan and Kashmir border, following the withdrawal of the Pakistan Army from the State. In the matter of the interpretation that should be placed on Part III of the August 13 resolution, and those parts of January 5, 1949 resolution which provide for a plebiscite, the Government of Pakistan indicated that they were prepared to abide by the terms of the Prime Ministers' communique of August 1953. Finally, the Government of Pakistan agreed to my proposal for a conference at Prime Ministers' level or any reasonale variation thereof, to be held under my auspices, adding that they hoped that this Conference would be held as soon as possible.

"The Government of India declared themselves unable to agree to my recommendations. They based their position on the ground that my recommendations were made without regard to the failure to implement the Security Council resolution of January 17, 1948, and clauses (b) and (c) of Part I of the U.N.C. I. P. resolution of August 13, 1948, for which they held Pakistan responsible. In their view the sole onus of performance was on pakistan and on the United Nations, which both had the responsibility and the capacity for taking steps towards a peaceful approach to the situation, and for making a contribution to resolving the difficulties between India and Pakistan.

"While, therefore, the inability of India to accet my recommendations primarily followed from their contention that my approach was not feasible, since in their view it tended to by-pass the implementation of what they considered to be the preliminary question, they also informed me that they did not look with favour on the substance of my recommendations. Thus, they felt that a new declaration regarding a peaceful atmospher and the cease-fire line might denote a dsiplacement of the previous engagements. Theyt further contended •that such a declaration would imply that Pakistan had not violated their previous engagements and that the consequences of them would therby stand condoned.

"The Government of India could also not see their way to accept the study, I had recommended in my third recommendation, as they felt that it would tend to by-pass and evade what they considered to be main issue—namely, the illegal occupation on Indian territory by Pakistan. In their view that territory was an integral and inseparable part of India, and the recommendation was based upon a misconception that Jammu and Kashmir were a no-man's land. Further, the study in their view, would not be relevant since, acording to the U. N. C. I.P. resolutions and the asurances given on behalf of the Security Council to the Government of India, they alone, with the United Nations, were concerned in this matter and Pakistan would not seem to have any place whatsoever in those arrangements.

"What regard to the stationing of a U. N. force on the pakistan side of the Kashmir -border, the Government of India were taking cognizance of the concern of the U.N. Representative in this matter which they understood to be conditioned by the previous conduct of pakistan. They would on their part, however,consider it as highly imprope, and indeed an unfriendly act, to promote a suggestion whichwould involve the stationing of foreign troops in a neighbouring sovereign state with whom they desired nothing but the most friendly relations. Since, however, this was a matter for decision by the Govenmment of Pakistan in their sovereign competence, they would not be in a position to object to this proposal, thoughthey would regret it.

"With regard torecommendation (4), the Government of India informed me that they regretted that they could not enter into any such discussions in view of their preliminary objections.

"Finally, the Government of India declared themselves unable to accept my last recommendation since it woudl, in their view, place the aggressor and the aggressed on the same footing. They therefore considered it country to the charter and to all considerations of international ethics and eauaity.

"I should, however inform the Council that the Government of India, at the same time as they declared themselves unable to accept my recommendations, also informed me that they have been and are anxious to promote and maintain peaceful relations with Pakistan. They stated that they firmly held the view and belief that there should be a constructive and peaceful aproach to every problem and that they firmly adhered to their determination to pursue paths of peace, while placing its faith in the United Nations and its Charter.

"In keeping with this spirit expressed by India, which I know is shared by Pakistan, I shall express the hope that the two Government will keep under consideration the proposal for a high level conference. I trust, that, in their further consideration, they will find it possible promptly to make, without prejudice to their respective positions on the Kashmir question, preparations for holding...such a Conference at the earliest possible date, covering questions of time, place, auspices and agenda. The agenda...might include the basic differences which the parties find to stand in the way a settlementl and such other matters ase the parties might find would contribute to progress toward the implementation of the U.N.C.I.P. resolutions of August 13, 1948, and January 5, 1949 and toward a peaceful settlement.

"However wide the differences and deep the distrust, and however bad the situation in the opposite views of each other position, no situtation is completely and forever beyound the redemptive power of the development of reciprocal faith, and the creative interchange of views and proposals for a peaceful settlement as alternatives to the deepening differences in an age of unprecedented peril and hope. Better than talking at long distances across the sub-continent is, on occasion,to talk directlytoeach other at the highest possible level. The holding of well prepared direct talks with the desire for a settlement is more than a talk; it is an act of potentially creative faith which might level to steps for a fair and peaceful settlement."

Indian Reaction to the Graham Report

Mr. Nehru, addressing a news conference in New Delhi on April 4, 1958, rejected as "totally and sbsolutely unacceptable", Dr. Graham's proposal for a meeting of the Prime Ministers of India and Pakistan under his auspices to settle the Kashmir problem. Mr. Nehru declared : "We are not going to acept any body sitting as a kind of an Umpire o4r shatever else it may be. This is totally and absolutely unacceptable." He added, that Dr. Graham had in his report stated some of the Indian objections to his proposals. India's stand on this problem had been made quite clear. "Any consideration of this problem which ignores certain basic issues and which endeavours to put us on the same level as Pakistan that is, the aggressed and the aggressor countries on the same level, is not, ageeable to us and will not be accepted by us." Asked about Dr. Graham's proposal to tation U. N. forces on the border between Pakistan and the Jammu and Kashmir state, Mr. Nehru said that when a proposal came to station. U. N. force in thje regular Pakistan territory—it was an independent countrv—all that we could say was that we did not like the idea.

Reaction in Pakistan

There was no immediate official reaction to the Graham Report in Pikistan. The report was, however, welcomed in Pakistan and the Government circles were reported to be 'jubilant' over it. There were also no indications that the Government of Pakistan desireed to ask for an urgent meeting of the Security Council to discuss the report.

The Graham Report was rather disappointing from India's point of view in as much as it failed to take note of the basic issue involved in the Kashmir quesion. The report failed to take note of the "changing political econimic and strategic factors surronding the whole of the Kashmir quesion, together with the changing pattern of Power relations in Western and Souhern Asia." Mr. Jarrng had been realistic enough to admit that sice the situation had tended to change, the implementation of inernational agreements of an adhoc charater, which had not been achieved fairly and speedily, had become progressively more difficult. But instead of taking note of it, Dr. Graham decided to go back to such agreements which were entered into more than a decade ago. It might be said that Dr. Graham got entangled in a past period of history.

Dr. Graham's mission to the sub-continent did not start well. He started with the legacy of a failure. He had been to the sub-continent once befoe, as the United Nations Representative, and had failed to achieve any concrete results, towards the solution of the Kashmir question. This time too, Dr. Graham came to the sub-ontinent and went away without bringing the Kashmir problem anywhere near a solution. But from the view point of Pakistan and her allies, the report had been exactly, what they had desired it to be, and it raisd false hopes in the Pakistani camp. There was nothing new in Dr. Graham's propossals. The proposal to station the U. N. troops on the Pakistan side of the Kashmir border was insulting to India as well as to Pakistan. India could only show regret over the idea of stationing foreign troops in a neighbouring sovereign state. Besides the ida tostation U. N. troops on the pakistan side of the Kashmir border contains the presumption that there was a fear of an Indian attack on Pakistan. Otherwise what was the fun in stationing U. N. troops in a nighbouring sovereign state ? Finally, the report was unfair to Inida in as much as it by-passed the question of Pakistan's inabiliy to implement the Part I of the U. N. C. I. P. resolution of August 13, 1948, and that it put the aggressor and the victim of aggression on an equal footing.

The Mangla Dam Controversy

A controversy between India and Pakistan arose over the Mangla Dam project, which providd for the construction in-so-called Azad Kashmirarea of (a) a dam almsot two miles wide and 300 feet high on the River Jhelum, above the Upper Jhelum canal; (b) a power station to supply power for the exploitation of bauxite deposits;. and (c) a reservoir covering an area of 100 square miles. It should be recalled that the socalled Azad Kashmir Government had announced on June 25, 1957, that it had issued the necesary notification for the acqrisition of land in the Mirpur area for the building of a reservoir which would affect about 122 villages with a total area of about 42,000 acres. Further, on August 22, 1957, Sardar Ibrahim Khan, the President of the so-called Azad Kashmir Government siad that as a first steptowards the the constructioin of the dam, the town of Mirpur would be demolished and the dosplaced population rehabilitated in West Pakistan within four years. According to the reports in the Pakistani press about 100,000 people were likely to be the proposed project.

India's letter of protest to the Security Council against the construction of the Mangla Dam

On Januray 20, 1958, the Government of India lodged a strong protest agaisnt Pakistan' singning of agreements with the British and American firms for the construction of Mangla Dam in the occupied Kashmir. The protest note was handed over by Mr. Arthur Lall, India' Permanent Representative at the U.N. to the president of the Security Council in New York. The protest leter described Pakistani action as a further violation of "the sovereignty of the Unon of India and its territory in Jammu and Kashsmir." The letter pointed out that Pakistan was exploting the resources of the people of the occupied territory in the state of Jammu and Kashmir for its own benefit. The protest note added that Pakistan continued ot occupy the area by force in defiance of the Security Council resolutions of January 17, 1948 and the U. N. C. I. P. resolutions of August 13, 1948 and January 5, 1949, all of which required Pakistan to quit the occupied area. Instead, the letter went on, Pakistan continued to consolidate its position to the disadvaantage of the state of Jammua and Kashmir and in defianace of the wishes of the local inhabitants who still were Indian nationals.

India further pointed out that the engineering firms employed by Pakistan for the construction of the project bleonged to the U K. and the U. S. A., who were permanent member of the Security Council.[1]

Pakistan's Rejoinder

Mr. Agha Shahi, the acting Permanent Representative of Pakistan at the U.N. addressed a letter to the President of the

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[1] Asian Recorder, Vol,. IV. No. 4 January 18-24, 1958; P. 1861

It should be recalled that India had first protested to the Secuirty Council on August 21, 1957, against the commencement of the work on the Mangla Dam by Pakistan in the teeth of oppositioin form the people of the area. India had asserted that the project constituted a violation of (1) the Security Council's resolutionof january 17, 1948, which called upon India and Pakistan to "refrain from making any statements and from doing or casusing to be done for permitting any acts which might aggravate the situation"; (2) assurances given by the Chairman of the U. N. C. I. P. to Mr. Nehru that "the pakistani Government will not be allowed to consolidate their position in a territory they had unlawfully occupied"; (3) the U. N. C. I. P. resolution of August 13, 1948, under which "Pakistani troops are required to vacate the territory unlawfully ocupied by January 5, 1949. India had not called for any action by the Security Council but had asked that her letter should be brought to the notice of its members.

Pskistan's permanent representative at the U.N. (Mr. Ghulam Ahmed) had replied to the Indian protest on October 3, 1957, in a letter to the President of the Security Council in which he had stated that the project was being executed cooperatively by the Government of Pakistan and the Azad Kashmir authorities, and that it would greatly imporve the economy of Azad Kashmir by providing irrigation and hydro-electric facilities and would in no way affect adversely any existing interest. Refer Keesing's Contemporary Arehives, Vol. XI 1957-58. P. 16135.

Pakistan at the U.N. addressed a letter to the President of the Security Counicl of January 24, 1958 regarding the construction of the Mangla Dam. The letter was in reply to the Indian protest note dated January 20, 1958. Mr. Shahi clamied that Indian charges against Pakistan had been answered by his predecessork in his letter of October 3, 1957. In reply to the Indian allegation that "Pakistan was forging ahead with the construction of the Mangla Dam in the teeth of opposition from the people in the area", Mr. Shahi quoted from press statements issued by a number of political leaders of Azad Kashmir on September 5, 1957. The press statements had said that the people of Azad Kashmir were giving their fullest cooperation and support to the Mangla Dam project. How could those who had given their blood for Pakistan, grudge water to their brethren ? [1]

No impartial critic, who has studied the struggle for freedom in Kashmir can agree with Mr. Shahi's contention that the Kashmir gave blood for Pakistan. We have already stated in the second chapter, that the Muslim League's slogan of two nations theory never gained ground in Jammu and Kashmir. The Muslim Conference which adhered to the principle of two-nation theory could never get the popular support from the Kashmiris. So it is simply a misstatement of fact to say that the Kashmiris supposed the creation of Pakistan. As a matter of fact the construction of Mangla Dam would amount to the exploitation of the Kashmir resources to the advantage of Pakistan., Further, it would adversely affect about 122 villages, and about 100,000 people in the occupied Kashmir. Finally, the construction of the Mangla Dam is a further example of the attempts of the Government of Pakistan to consolidate its aggression on the Indian territory. For the so-called Azad Kashmir territory is legally an Indian territory, illegally occupied by Pakistan.

Resolution of the Security Council of December 2, 1957

The Security Council,

Having received and noted with apprection the report of

Mr. Gunnar V. Staratring the representative of Sweden, on the mission undertaken by him pursatant to the Security Council resolution of 21 February 1957;

Expressing its thanks to Mr. Jarring for the care and ability with which he has carried out his mission.

Observing with appreciation the expressions made by both parties of sincere willingnes to co-operate with the United Nations in finding a peaeful solutioin;

Observing further that the Government of India and Pakistan recognize and accept the provisions of its resolutions dated 17 January 1948 and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949, which envisage accordance with their terms the deteminatioin of the future status of the State of Jammua and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and that Mr. Jarring flet it appropriate to explore what was impeding their full implementation.

Concerned over th lack of progress towards a settlement of the dispute which his repeort manifests;

Considering the importance which it has attached to demilitarization of the State of Jammu and Kashmir as one of the steps towards a settlement;

Recalling its previous resolutions and the resolution of the United Nations Commission for India and Pakistan on the India-Pakistan question.

1. Requests the Government of India and the Government of Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situationand to sppeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations;

2. Requests the United Nations Representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view to making progress

towards the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and towards a peaceful settlement;

3. Authorizes the United Nations Representative to visit the sub-continent for these purpose.

Resolution of the Security Council of September 4, 1965

The Security Council,

Noting the report of the Secretary-Geneal (S/6651) dated September 3, 1965.

Having heard the statements of the representatives of India and Pakistan

Concerned at the deterioration situation alon the cease-fire line in Kashmir,

1. Calls upon the Government of India and Pakistan to take forthwith all steps for an immediate cease-fire.

2. Calls upon the two Government to respect the cease-fire line and have all armed pesonnedl of each party withdrawn to its own side of the line.

3. Calls upon the two Governments to cooperate fully with the United Nations Military Observer Group in India and Pakistan in its task of supervising the observance of the cease-fire.

4. Requests the Secretary-General to report to the Council within three days on the implementatioin of this resolution.

Resolution of the Security Council of September 6, 1965

The Security Council,

Noting the Report by the Secretary-General on development in the situation in Kashmir since the adoption of the Security Council Cease-fire Rssolution on 4 Septermber, 1965 [S/RES/ 209 (1965) being document S/6661 dated September, 1965],

Noting with deep concern the extension of the fighting which adds immeasurably to the seriouseness of the situation.

1. Calls upon the parties to cease hostilities in the intire area of conflict immediately, and promptly withdraw all armed personnel back to the positions held by them before 5 August, 1965;

2. Requests the Secretary-General to exert possible deffort to give effect to this Resolution and the rsolution of 4 September 1965, to take all measure possible to strengthen the UNMOGIP, and to keep the Council promptly and currently informed on the implementaion of the Resolution and on the situation in the area;

3. Decides to keep issue under urgent and continous review so that the Council may determine what further steps may be necessary to secure peace and secrity in the area.

Resolution of the Security Council of September 20, 1965

The Security Council,

Haviang considered the reports of the Secreatary-General on his consultations with the Governments of India and Pakistan, commending the Secretary-General for his unreleating efforts in furtherance of the objectives of the Security Council's resolutions of 4 and 6 September.

Having heard the statements of the Representatives of India and Pakistan.

Noting the differing replies by the parties to an appeal for a cease-fire as set out in the report of the Secretary-General (S/6683), but noting further with concern that no cease-fire has yet come into being.

Coninced that early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters.

1. Demands that a cease-fire should take effect on Wendesday, 22 September 1965, at 0700 hours GMT and calls upon both Government to issue orders for a ceae-fire at that moment and a subseuent withdrawal of all armed personnel

back to the positions held by them before 5 August 1965;

2. Requests the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and withdrawal all armed personnel;

3 Calls on all States to refrain from any action which might aggravate the situation in the area;

4. Decides to consider as soon as operative paragraph 1 of the Council's resolution 210 of 6 September has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end;

5. Reauests the Secretary-General to exert every possible effort to give effect to this resolution, to seek a peaceful solution and to report to the Security Council thereon.

Resolution of the Security Council of November 5, 1965

The Security Council,

Regretting the delay in the full achievement of a camplete and effective cease-fire and a prompt withdrawal of armed personnel to the positions held by them before 5 August 1965, as called for in its resolutions 209 (1965) of a 4 September 210 (1965) of 6 September, 211 (1965) of 20 September and 214 (1965) of 27 September 1965.

1. Reaffirms its resolution 211 (1965) of 20 September 1965 in all its parts;

2. Requests the Government of India and Pakistan to co-operative towards a full implementation of paragraph 1 of resolutioin 211 (1965); calls uopn them to instruct their armed personnel to co-operate with the United Nations and cease all military activity; and insists that there be an end to violations of the cease-fire;

3. Demands the prompt and unconditional execution of the proposal already agreed to in principle by the Governments

of India and Pakistan that their representatives meet with a suitable representative of the Secretary-General, to be appointed wihout delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties; urges that such a metting shall take place as soon as possible and that such a plan contain a time-limit on its implementation; and requests the Secretary-General to reort on the progress achieed in this respect wihin three weeks of the adoption of the presnt resolution;

4. Requests the Secretary-General to submit for its consideration as soon as possible a report on compliance with the present resolution.

The experience of Mr. Rounald Sharpe, a New Zealand tourist, who recently visited Kashmir may be quoted in this connexion. He had said : "Bakshi Ghulam Mohammad, the puppet Premier of Kashmir who rulrs ruthlessly over the destiny of four million people with a strong Dogra Army on the one side and civil police on the other, has entrusted all his political puppets to lauch a clean-up campaign agaisnt the Sheikh Abdullah group with such vindictiveness as to teach him an unforgetable lesson for opposing the present regime."

"(10) The re-arrest of Sheikh Abdullah has not come as a surprise to the Pakistan Government or, for that matter, to the world; it was a foregone conclusion.

"(11) The people of India-occupied Kashmir despite the reign of terror, are becoming increasingly restive and are defying the ban on public meetings by taking out five or more person. Tension is mounting in the valley and the surrounding areas. The Bakshi regime is once again using brutal violence to crush Abdullah's freedom fighters as it did on the occasion of his arrest in 1953 to reinforce the army of repression, the pupper Premier Bakshi Ghulam Mohammad has been sending Santic appeals since the Sheikh's arrest to Mr. Nehru to send more armed forces to Indian-occupied Kashmir.

"(12) These actions are likely to have serious repercussions in Pakistan. If peace and tranquility are to be established in Indian-occupied Kashmir, it is imperatiave that as as first setp, Sheikh Abdullah should be freed immediately and restored to the full enjoyment of his human rights.

"(13) I am direceted to point out that the arrest of Sheikh Abdullah constitutes a further breach of the Security Council resolution of Januray 17, 1948, which calls upon India and Pakistan to refrain doing or permittng any acts which might aggravate the situation.

"(14) I trust that the Security Council will examine the assertions of the Government of India contined in their Permanent Representatives letter of May, 1, 1958, against the background of the above mentioned facts.

"(15) I am instructed by my Government to request that this letter be circulated to members of the Security Council."

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In Security Council—II

India's Reply—Dated June 11, 1958

On June 11, 1958, India's Permanent Representative at the United Nations, Mr. A.S. Lall, sent a letter to the President of the Security Council in reply to the letter of May 6, 1958, sent by the Permanent Representative of Pakistan at U.N.

In it, Mr. Lall described the Pakistan Representative's letter on the arrest of Sheikh Abdullah as "a further instance of the compaign of misrepresentation and villification that Pakistan has been carrying on against India during the last 11 years."

He said that the Jammu and Kashmir Government had ordered the detention of Sehikh Abdullah on April 29 as "his reamining at large was harardous to the Security of the State," and that he had been instructed by the Government of India to lodge an emphatic protest against the letter from the Permanent Representative of Pakistan which was "a blatant attempt at interference in ~~the~~ internal affairs of Jammu and Kashmir, one of constituent states of the Indian Union, a member state of U.N."

It was not possible at present, he said, to set out in detail the reasons for the Jammu and Kashmir Government's decision to detain Sheikh Abdullah, as there was a conspiracy case pending against some 21 persons in the courts in Kashmir, and much of such material was lpart of the evidence to be adduced at lthe trial and therefore subjudice. It might, however, be stated that Sheikh Abdullah had been harbouring at his residence proclaimed offenders wanted in connection with crime, including looting, arson and murder, organized and committed by some Plebiscite Front Workers at Hazaratbal on Frebruary 21, 1958.

One of those proclaimed offenders was apprehended in Sheikh Abdullah's house at the time of his arrest on the night of April 29 at Sowra, a village six miles from Srinagar.

In the conspiracy case, the prosecution (the Government of Jammu and Kashmir) had alleged that since Sheikh Abdullah's arrest and detention in August 1953, his relatives and associates, including some of the accused, decided to bring about the over throw of the Government of the State established by law and to that end enlist the support of, and join hands with Pakistan agents and officials.

"To achieve this object, the accused, between August 9 1953 and April 29, 1958, amongst themselves and with other persons, known and unknown, at Srinagar and diverse other places, both in and outside State, conspired to overawe by means of criminal force the Government of the State."

The basic assertion in the letter from the Permanent Representnative of Pakistan was that Sheikh Mohammad Abdullah had not the slightest intention of resorting to violence or creating disturbances in the State and that, in fact, Sheikh Abdullah had emphasized the need for Hindu-Muslim amity. Based on these promises, the Permanent Representative of Pakistan had imputed various moties for the detention of Sheikh Abdullah.

Mr. Lall quoted extracts from the reports of foreign Press Correspondents "who have been seeing things for themselves during their frequent visits to Kashmir" to prove that "this basic assertion of the Pakistan Permanent Representative is totally false."

Sheikh Abdullah had been making public statements calculated to influence religious passions and seeking to create conditions of disorder and lawlessness and supplementing Pakistan's subversive and sabotage activities in Jammu and Kashmir. For this purpose, Sheikh Abdullah began to collect large funds to organize a force of so called volunteers' who were the nucleus of a private army.

While addressing a meeting at Srinagar in March, Sheikh Abdullah used vituperative language against the Prime Minister of Jammu and Kashmir and when part of the audience walked out in protest, Sheikh Abdullah exhorted his audience to "kill traitors if there is any amongst you'and added that his Razakars (name of his militant force of volunteers), were prepared to meet the situation.

These activites of Sheikh Abdullah were well known in Pakistan and they had the continued support of the Pakistan Government. The letter quoted Dawn of Karachi of May 8 to prove this.

The Dawn report said: "it is stated that some kind of 'macquis'underground organization may soon spring up in occupcied Kashmir to defy Bakshi Ghulam Mohammad's authority. Sheikh Abdullah had planned such as organization as part of his anti Indian fight in occupied Kashmir, but the planning was not completed when he was re-arrested."

Mr. Lall pointned out that conditions in Jammu and Kashmir were normal despite attempts to create disorder. In spite of this and the reports of independent observers to this effect, the Pakistan Press and Radio had been putting out false and tendentious reports to misrepresent conditions in Jammu and Kashmir, misleading the world, increasing tension betwen the people of India and Pakistan and promoting a war psychosis amongst their people.

Pakistan had committed and continue to commit grave violantions of Security Council resolution of January 17, 1948 and of every undertaking she had given.

He quoted extracts of speeches made among others by Chaudhri Mohammad Ali, Mr. H. S. Suhrawardy, land Mr. I.I.

Chundrigar former Prime Ministers, Malik Feroz Khan Noon, the present Prime Minister of Pakistan and Khan Abdul Qayum Khan, Muslim League President, to show that the authorities in Pakistan who were guilty of flagrant violation of the January 1948 resolution of the Security Council were committing further violations of the resolution and instigating further aggression against India.

Pakistan's Second Letter to the Security Council on Sheikh Abdullah's Arrest—June 19,1958

Pakistan's acting Permanent Representative at the United Nations, Mr. Agha Shahi, wrote a letter to the President of the Security Council again on June 19, on the re-arrest of Sheikh Abdullah.

The following is the partial text of his letter:

"I am instructed to bring to the notice of the Security Council the following examples of deliberate missrepresentation resorted to by the Permanent Representative of India to cloak the actions of his Government in suppressing the funadmental liberties of the people of Kashmir :

"The first is the device of lifting isolated parts of sentences (from foreign Press reports) from entirely different context and placing them topgether so as to make them look like one integral quotation.

"My Government trusts that this disregard of the elementary decencies of faith quotation by the Permanent Representative of India will pbe protested by the members of the Security Council as well as by the organs of world—public opinion to which such cynical injustice is being done.

"The subtle attempt to interpret Sheikh Abdullah's practice of reciting from Quran, the beloved Holy Book of Islam, as fomenting religious passions is indicative of the extreme intolerance which is inherent in the minds of rulers of India. It seems that this practice of Slheikh Abdullah, a practice of prayer and piety, which he maintained even in his days of collaboration with Mr. Gandhi and Mr. Nehru, has now become anathema to the Hindu temples of the Indian Republic. This intolerance is in fact the very danger that the Muslims of Kashmir, the preponderant majority of the State, fear most in unnaturally linked to India.

"To substantiate the accusation that Sheikh Abdullah was raising a private army for supervision and sabotage, the Permanent Representative of India has in paragraph 5 of this letter quoted from the Daily Telegraph of London, of May 3, 1958. The newspapers' correspondent discussed this very question with Bakshi Ghulam Mohammad, India's puppet, on May 1, 1958. The relevant passage from his despatch was published in the Daily Telegraph of May 2,1958 (Mr. Shahi' quoted from the despatch the Prime Minister's statement that "I have been a little surprised at the lack of any reaction so far. It seems to show that Sheikh Abdullah was a latent rather than an actual menace, but a menace he was").

"It would appear from the above that all that is necessary to deprive a person of his human rights in occupied Kashmir today under Indian dispensation is mere suspicion that he is a 'latent menace. No overt culpable act on his part which all civilized codes of law required as the indispensable condition for the criminal liability need be proved.

"Last, the letter from the Permanent Representative of India characterizes our letter of May 6, 'a blatant attempt at interferance with the internal affairs of Jammu and Kashmir, one of the constituent states of the Indian Union, a member state of the United Nations.' This is altogether a false assertion. The state of Jammu and Kashmir is not one of the constituent states of the Indian Union but a territory in dispute, the question of the accession of which to India or Pakistan has to be decided by a free and impartial plelbiscite under United Nations auspices. This assertion made by the Parliament Representative of India is an attempt to destroy the very basis of the actions of the Council which from the very beginning has held that the issue of accession is one to be settled by a fair and impartial plebiscite under the auspices of the United Nations.

"I am instructed to report here that pending a fair and impartial pleabiscite in Kashmir, which alsone will constitute a final disposition of the state of Jammu and Kashmir in accordance with the sishes of the people and with the resolutions of the United Nations, my Government is bound to be actively concerned with conditions in Kashmir and will not abdicate its right, or depart from its duty, to draw the attention of the Security Council to any violations of the Council's resolution to which both the parties stand committed.

Pakistan's letter to Security Council, June 25,1958

On June 25, the Pakistan Government, through its acting permanent Representative at the United Nations, Mr. Agha Shahi, informed the Security Council that it had taken measures to prevent any violation of the cease fire line in Kashmir. The text of the Pakistan letter is given below.

"I am directed by the Government of Pakistan to inform the Security Council that owing to the continued intransigence of India, which has prevented the Kashmir dispute from being resolved, condition of unrest and frustration had arisen in the whole of Pakistan and Kashmir.

"The failure of Dr. Frank Graham's recent mission caused solely by Government of India's categorical rejection of all his recommendations, has increased the discointent of Mr. Ghulam Abbas, a prominent Kashmiri leader representing the Muslim conference and until recently supreme head of the Azad Kashmir Government, has in sheer desperation, started a Kashmir Liberation Movement the sole object of which is to liberate Kashmir from the Indian Yoke. He has declarled that as the condition on which Kashmiris had stopped fighting has not been fulfilled by India, they are at liberty to take direct action to secure their right of self determination. He proposed to march peacefully into Kashmir on June 27, 1958 along with his volunteers with the object to use his own words of arousing 'the dormant conscience of international justice.' Thousands of volunteers have rallied round him and their number is increasing. The local population is actively sympathetic to him and there is a public demand that he should be allowed to march into Kashmir.

"The Government of Pakistan have given careful consideration to the serious situations which may develop as a result of the contemplated crossing of the cease fire and have decided that, in keeping with their international obligations, they will under no circumstances permit any breach of cease fire Agreement and will take all the necessary steps to enforce this decision. The leaders themselves have been warned that though the Government of Pakistan will continue to take all possible steps though the United Nations to see that justice is done to the people of Kashmir and their leader, Sheikh Abdullah, lthey cannot tolelrate any breach of the Agreement to which they stand committed. The Government of Pakistan have accordingly taken all possible measures to prevent any violation of the ceasefire line in Kashmir."

India's Rejoinder to Pakistan over "The Daily Telegraph" Despatch—July 8, 1958

India's Permanent Representative at the United Nations Mr. Arthur Lall, wrote a letter to the President of the Security Council on July 8, 1958 to say that the alleged photostat of the despatch of the Special Correspondent of the Daily Telegraph (Mr. Gordon Shepherd) from Kashmir (published in the paper on May 2, 1958) submitted by Pakistan along with its complaint on June 19, 1958 differed materially from the original of the despatch. (Mr. Lall also forwarded the text of the original despatch with his letter.)

The letter said : "In the interest of the functioning of the Union Nations in accordance with the spirit and the letter of its charter, it may well be best entirely to ignore the intemperate communication addressed to you by the acting Permanent Representative of Pakistan as circulated as document S/4032 of June 19, 1958.

"However members of the Security Council in particular, and the members of the United Nations in general, will probably like lto know facts relelvant to the contents of the uncalled for letter from the acting Permanent Representative of Pakistan.

"I will, therefore, very briefly in this letter deal with some of the major misrepresentations contained in document S/4032.

"In paragraph 3 of his letter of June 19, the acting Permanent Representative of Pakistan attacks in a most extraordinarly manner my use of Daily Telegraph of London dated May 2,1958. It is perfectly admissible to use two extracts from the same publication— whether book or newspaper in the form of a complete quotation.

"This is what done in my letter of June 11. If the acting Permanent Representative of Pakistan had only troubled to read the letter carefully. He would have noticed a hyphen which breaks the quotation into two distinct parts.

"The first part which is underlined by him, serves as a kind of heading or introductory passage for the distinct succeeding part which included the essence, in the words of the special correspondent himself, of the despatch mentioned in the first part of this composite quotation.

I am sorry that this juxtaposition of two salient facts which naturally caused much discomfort to the acting Permanent Representative should have resulted in so much unfortunate vituperation and waste of words and effort by him.

"Incidently, the Acting Permanent Representative of Pakistan has sought to support his untenable position by attaching as Appendix I to his letter an allegedly photostat copy of lthe relevant news despatch in the Daily Telegraph of May 2,1958. I will refer a little later in this letter to the curious document furnished by him.

"In paragrapah 5 of his letter, the acting Permanent Representative of Pakistan seeks to make much of the parenthetical phrase inserted in the last quotation in paragrapha 5 of my letter of June 11,1958.

It will be observed that the parenthetical portion inserted from the quotation from the Daily Telegraph of Maya 3, 1958 is meaningless in its present position.

"Obviously it was purely by a typographical error that it had been inserted after the pronoun, 'they' instead of before it.

"The words in parenthesis are meaningful and pertinent to the point contained in paragraph 5 of my letter of June 11, 1958. Only if they are placed before the pronoun 'they' insstead of after it. I would request you, therefore, kindly to read that quotation with this correction. I am grateful that the attempts of mud-slinging by the acting Permanent Representive of Pakistan has, at any rate afforded us an opportunity to correct this typographical error and thereby, to give added meaning to my own letter of June 11, 1958.

"In the light of the foregoing remarks, the general accusations lmade by the acting Permanent Representative of Pakistan in various paragraphs of his letter are clearly groundless and do not warrant any further attention or comment.

In paragraph 3 of this letter, I have referred to the photostat of the news despatch in the issue of the Daily Telegraph of May 2.

"I am unware of edition of the Daily Telegraph which the acting Permanent Representative of Pakistan is referring.

"With this letter, I am filing the original of the news despatch as it appeared in the Daily Telegraph of May 2, and I am reproducing a copy of an appendix to this letter.

"It will be observed that the text of the original despatgch filed with this letter and the copy attachedby me as an appendix differ materially from the alleged photostat produced by the acting Permanent Representative of Pakistan.

"For example, in the alleged photostat, the word, it seems-to show that Sheikh Abdullah was a latent rather than an actual menace.

"But the words a menace it was are put in lthe mouth of the Prime Minister of Jammu and Kashmir.

"The text of Mr. Gordon Shepherd's despatch which I have filed with this letter shows that these words were not uttered by the Prime Minister of Jammu and Kashmir.

"They are part of the comments made by the Daily Telegraph correspondent immediately following his quotation from the remarks of the Prime Minister, Bakkshi Ghulam Mohammad, which ends with the sentnence, "I have been a little surprised at the lack of any reaction so far."

Thus, the acting Permanent Representative of Pakistan in order to bolster the incrorrect meaning which he wishes to give to the words of the Prime Minister of Jammu and Kashmir has attributed to him words which in fact he did not use.

"The following portions of Mr. Gordon Shepherd's published despatch which are contained in the text filed with this lettler, have been omitted from the alleged photostat filed by the acting Permanent Representative of Pakistan. When he had finished, he strolled across the lawn to some benches where an assortment of Kashmiris were collecting. It was one of his twice weekly general audience hours when any citizen is allowed to come in and present his grievances. Today's gathering, I was told, was neither more nor less than usual.... But the indications so far are that Sheikh Abdullah's followers are not getting very hot under their astrakhan hats and are finding discretion the better part of valour."

"As I have said, I do not know from where the acting Permanent Representatives of Pakistan has procured his photostat, but it is quite clear that the portions omitted in his alledged photostat and which appear in the original publication do not assist his ill founded contentions.

"The acting Permanent Represenntative of Pakistan seeks to justify his totally unconnstitutional and superrogatory interest in the affairs of a Constituent State of the Indian Union.

"Since Jammu and Kashmir acceded to the Indian Union in accordance with the terms of the statutory proceedings laid down by an Act of Parliament of the United Kingdom—the Government of India Act 1948—and since these procedures have been accepted by the Governments of India and Pakistan, there can be no question that the type of interest which the acting Permanent Representative of Pakistan is taking in the domestic affairs of India is in violation of Article 2 (7) of the United Nations Charter.

"Moreover, as repeatedly pointed out by India's representative in the Security Council, not only is the fact that Jammu and Kashmir is a Constituent State of the Indian Union, the basis of India's original complaint to the Security Council, but it is also the basis of the resolutions of the United Nations Commission for India and Pakistan dated August 13, 1948 and January 5, 1949, and of the assurances given by the Commission to the Prime Minister of India on behalf of the Security Council.

"Finally, it is necessary to draw attention to the two quotations contained in paragraph 13 of the letter from the acting Permanent Representative of Pakistan. Statements of this character are unfortunately the exception in Pakistan and must be read alongside the continuous outpouring of vehement and war-like words emanating from responsible persons, journals of opinion and newspaper in Pakistan, some of which were cited in my letter of June 11, 1958.

"Presumably, it was the intention of the acting Permanent Representnative of Pakistan to lull the apprehensions both of the Security Council and of India by citing small portions from any two statements.

"However, rare-utterances of this kind amount to no more than lip service to the comprehensivre appeal for all measures calculated to improve the situation which was contained in the Security Council resolution of January 17, 1948 and to which both India and Pakistan pledged their adherence. Their impact on the situation and their value in terms of the Security Cocncil resolutions is entirely lost in the context of the frequently reiterated and growing volume of statements from Pakistan indulging in threats of force.

"I request that this communication may be circulated as a Seccurity document and brought to the notice of the members of the Security Council.

India's Letter to the Security Council—July 14, 1958

In a letter to the President of the Security Council on July 14, 1958, India's Permanent Reoresebtative at U.N. Mr. Arthur Lall, replied to the communication to the President of the Security Council on June 25, 1958, from the Pakistan's Permanent

Representative on movement in Pakistan to cross the cease-fire line into India.

The following is the full text of Mr. Lall's letter.

"I am instructed by the Government of India to refer to a letter dated June 25,1958, (S4036) from the acting Perlmanent Representative of Pakistan addressed to the President of the Security Council about threats in Pakistan and Pakistan occupied Kashmir to cross the cease-fire line in violation of the Security Council resolution of August 13, 1948, and the cease fire Agreement.

"The .Pakistan Representative's letter is yet another demonstration of the fact, repeatedly stated by India's representatives to the Security Council over the last ten year, that Pakistan has done nothing to create and maintain a peaceful atmosphere as she had to do under the resolution of the Security Council of January 17, 1948, and Part I of the United Nations Commission for India and Pakistan resolution of August 13, 1948. On the contrary, Pakistan has been consistently stimulating hatred of India, uttering threats and promoting sabotage directly and indirectly.

"In para 5 of my letter of June 11, 1958 (S/4024), I put forward unchallengeable evidence in the form of statements by the present Prime Minister, three ex-Ministers and a Minister of the Government of Pakistan, inciting the people of Pakistan to hatred against India.

"The aggressor who has annexed who has annexed Indian territory by force and imposed upon its people, who are Indian nationals, a Draconian regime unrelieved by any regard for civil liberties and human rights, is trying to claim credit for his intention to control the so-called unrest and frustration which he had done his best to foster. Such professions of virtuous conduct will deceive no one, considering that Pakistan's violations of the cease fire Agreement are recorded in detail in the proceedings of the Security Council including its latest act of aggression against India, the organization and financing of supervision and sabotage in Jammu and Kashmir in which members of its Intelligence Service and Armed Forcs are taking part.

"As to the allegations regarding the prevalence of unrest and frustration, if any, and the causes therefore, the following report of a statement made by Sardar Mohammad Ibrahim President of the so-called Azad Kashmir Government in a press interview in Karachi speaks for itself. In a Press interview, Sardar Ibrahim said Mr. Ghulam Abbas wanted to gain political power in Azad Kashmir and his move was directed not against India but against him (Ibrahim) and the Pakistan Government (The Statesman, New Delhi, New Delhi, June 27, 1958).

"I request that this communication be circulated as a Security Council document and brought to the notice of the members of the Security Council."

Pakistan's Letter to the Security Council—July 15, 1958 (Document S/4048)

In a further letter to the President of the Security Council on July 15, 1958, Mr, Agha Shahi, acting Permanent Representive of Pakinstan to the United Nations stated that "the situation (of the movement) is gradually deteriorating."

The letter referred to "volunteers in large numbers" marching towards the cease fire line in Kashmir and "hundreds of volunteers of the agitation so far arrested and aded that a large section of the Press was suspporting the movement and criticizing the Government for obstructing it.

It mentioned the police having had "to use force at several places"to disperse demontrators and of women taking part in the movement and added : Sardar Ibrahim, President of the Azad Kashmir is becoming unpopular owing to hisopposition to lthe movement. His own supporters are desserting him. The Government of Pakistan are determined to maintain law and order and to honour their commitments with regardto the inviolability of lthe cease fire line. The High Command of the liberation Movement seems to be equally determined, according to its proclaimed intentions to violalte the cease fire line.

India's Letter to the Security Council Dated August 15, 1958

On August 15, 1958, India's Permanent Representative at the U.N. Mr. Arthur Lall, submitted a letter on the Kashmir question to M. Guitlume Georges- Picot, President of the Security Council. The letter said :

"Permit me to draw your attention to the communication addressed to lyou by acting Permanent representative of Pakistan and circulated as document S/4048 of July 15, 1958. It is not the intention of the Government of India to prolong this correspondence interminably. For their part, the Government of India do not think it proper or dignified that Pakistan should burden the Security Council with baseless communications and use the medium of U.N. to give publicity to its tendentious canards and ldisortion of fact. While therefore we shall refrain in the future from answering such letters from lthe Permanent Representative of Pakistan, the Government of India will always be glad to furnish correct factual information to U.N. or anyone of its organs members or authoritiesor to anyone genuinely seeking information.

"The Acting Permanent Representative of Pakistan has sought in his letter of July 15, 1958, to justify the so-called 'liberation movement' started by Mr. Ghulam Abbas. He has referred to alleged widespread support for the movement in Pakistan from almost all the important political parties and has stated that this has rendered difficult the task of his Government in checking the movement. It is stand that hundreds of volunteers from Pakistan occupied Kashmir and from the Frontier districts of West Pakistan have been arrested for defying the ban and the arrests of these persons have caused widerspread resentment among the people of Pakistan.

"In connection with these allegations it is interesting to read a report from the Pakistan Times, Lahore, dated July 29, 1958, according to which Mr. Mohammad Ibrahim, President of the 'Azad Kashmir' Government, contradicted exaggerated reports of the so-called movement particularly reports about the number of persons arrested by the Pakistan occupied Kashmir Governments.

"The President of the 'Azad Kashmir' Government, Mr. Mohammad Ibrahim Khan, on Augusut 11, contradicted a news item appearing in a section of the Press that 45 persons were arrested near Mirpur on August 10.

"He told the Associated Press of Pakistan in Lahore that he had contacted his headquarters at Muzaffarabad and had been informed that no possession wa taken out in Mirapur on August 10 and there had been no arrest in any part of Mirapur. The news he said was baseless and without any foundations."

"Continuing he said, that no new front had been opened at Madarpur in Poonch district for crossing the cease fire line. The news to that effect, he said was also wrong.

"Mr. Ibrahim said that according to up to date figures available with the 'Azad Kashmir' Government there were at present only 40 persons under arrest in 'Azad Kashmir'.

"The Government of India would leave to the judgement of the members of the Security Council to draw their own conclusion from the contents of the letter from the acting Permanent Representative of Pakistan. It is obvious that the campaign started by Mr. Ghulam Abbas is sustained by Pakistan's own policy and encouragement. In other words, the much publicized assertions of the Government of Pakistan condemning the campaign stand clearly exposed.

"The acting Permanent Representative of Pakistan has in his letter referred to the right of the people of Kashmir to go to their native place. The Government of India have no doubt that if Pakistan's illegal occupation was withdrawn the people at present living in Pakistan occupied Kashmir would br reunited with their brethren across the cease fire line and enjoy the fruits of democracy and economic well being.

India's Letter to the Council—August 18, 1958

In another letter on August 18, 1958, Mr. Arthur Lall said:

"I have the honour to refer to the letter of the Permanent Representative of Pakistan dated July 30.

"The Government of India once again regret the tone of the letter of the Permanent Representative of Pakistan and wish to say that it is not their intention to answer invective with invective.

"It must undoubtedly occur, both to the members of the Security Council and to the members of the Seccurity Council and to the members of U.N. in general, that if the Government and Permanent Representative of Pakistan had a case they could well sustain it by statements couched in reasoned and moderate language. It can only be the absence of a good case that leads them once again to intemperate statements. In these circumstances the Government of India will refrain from commenting on the letter from the Permanent Representative of Pakistan except to state again that the relevant facts are as set out in may previous letter of June 11, 1958 and of July 6, 1958.

"However, a brief comment is called for on paragraph of that letter which describes statements in paragraph 8 of my letter of July 6 as highly provocative. That a position sustained by reference to the chartewr of U.N. which is what paragraph 8 of my letter of July 6 did, should be considered by another member state as highly provocative is, to say the least, an extraordinary reaction. Not only is the fundamental law of the organization so regarded, but apparently the Permanent Representative of Pakistan also considers as provocative the fact that Jammu and Kashmir acceded to the Indian Union in accordance with the procedures laid down in the constitution then in force in India, that is the Government of India, Act 1935, which was an enactment of the British Parliament as adopted under India (provisional Constitution) Order 1947 issued under the Indian Independence Act, which was also an enactment of the British Parliament. This latest letter of the Permanent Representative of Pakistan can be consutrued only as a repudiation of fundamental international agreements involving his Government and arrived at when the two independent states of India and Pakistan were constituted.

"Regarding Kashmir, the basis international obligations of Pakistan arise out of the inter-Governmental agreements entered into when British authority withdrew. To them are added Pakistan's obligations under the charter and its own commintments under the Security Council resolution of January 17, 1948 and U.N.C.I.P. resolutions. Finally, the Government of India wish me to state that they are confident that the members of the U.N. with their experience of India, as a fellow member, will deeply regret as they themselves do, that that Permanent Representative of Pakistan should have used wholly inapplicable epithets in connection with India.

Pakistan's Reply—Dated August 27, 1958 To the Indian Protest Note

Mr. R.S. Chatari, acting Permanent Reporesentative of Pakistan to the United Nations, sent a letter to the President of the Security Council on August 27, on Kashmir. The letter said:

"Under instructions from my Government, I have the honour to refer to the letter of the Permanent Representative of India, dated August 18, 1958.

"Have exposed the tactics of misrepresentation by the honour to refer to the letter of India, it was not the intention of my Government to burden your Excellency any further with this correspondence.

"However, since the Permanent Representative of India has been fit to sidetrack the issue by introducing positions and arguments which are contrary as much to his Government's commitments regarding Kashmir as to the declared stand point of the Security Council. I crave your indulgence in baring with me for this osnce to enable me to set the record straight.

"Before going into the demerits of India's of India's stand, which incidently is again based on misrepresentation and distortion of facts, I deplore the manner in which the representative of a member State is attempting to mislead the Security Council by deliberately abusing the provisions of the charter with a view to flouting unilaterally the international agreement which binds the Governments of fIndia and Pakistan and to which the Security Council itself is a party.

"That the Security Council does not entertain India's contention is evident from all of its resolutions generally and from the one passed on January 24, 1957 particularly.

"The decision of the Security Council to continue consideration of the dispute is in itself a conclusive proof of the fact that at no stage did it ever consider the dispute to fall within the domestic jurisdiction of either India or Pakistan.

"As the statements made and the positions taeken by the representatives of the Governments of India and Pakistan since 1948 remain on the records of the Security Council, I will in the interests of brevity and in order to avoid repetion, abstain from eiting them. What, however, I propose to do is to quote from public statements of no less a person than the Prime Minister of India himself relating to the overall issue and its constituents. These statements, which appear as an appendix to this letter, are in fact the commitments publically made on his word of honour to the world by the Indian Prime Minister and from which the Government of India through its Permanent Representative is now trying to wriggle out.

"It is not the mockery of the charter to go back upon all those commitments, both national and international, and to say now, as the Permanent Representative of India has done, vide paragraph 8 of his letter of July 6, 1958, that 'there can be no question that the type of interest which the acting Permanent Representative of Pakistan is taking in the domestic affairs of India is in violation of Article 2(7) of the United Nations Charter.'

"It will no doubt be appreciated that we are putting lit mildly when we react to India's behaviour by describing it as highly provacative.

"I repeat that we shall not allow ourselves to be browbeaten. We shall not allow India to get away with the liberty and freedom of a people. Pakaistan, having re-affirmed faith in fundamental human rights, in the dignity and the worth of the human person, in the equal rights of men and women and of nation, large and small, shall give no quarter and ask for none in establishing and upholding the cause of the down trodden Kashmiris.

"I request that this communique, together with its appendix, be circulated as a Council document and brought to the notice of the members of the Secuirty Council."

Attached to this letter were five pages of quotations from speeches made since 1947 by Mr. Nehru.

Pakistan's Complaint Against India to the Council—Dated September 9, 1959

Pakistan's Deputy Representative at the United Nations, Mr. Aga Shahi, a letter to the Security Council on September 9, 1959 pointing out the "arbitrary steps being taken by India to bring about full integration of Kashmir with India.

The following is the text of the letter :

"Under the direction of my Government, I have the honour to bring to your Excellency's notice and to the notice of the Security Council the contempllated move of the Government of India to extend the jurisdiction of the Supreme Court and the Election Commission of India to the Indian-occupied part of the Jammu and Kashmir state.

"To facilitate this action, the so-called Executive Committee of the puppet National Conference of occupied Kashmir has demanded "the extension of the jurisdiction of the Election Commission and the application of Article 136 of the Indian Constitution to the state. An extract to this effect from The Times of India, New Delhi, dated April 22, 1959 is reproduced below :

"Two important events have taken place in the past few days to bring Kashmir closer to the rest of India.

"The permit system for travel between Kashmir and the other parts of the Country enforced 12 years ago, was abolished and the Executive Committee of the ruling National Conference has demanded that Kashmir should be brought under the jurisdiction of the Election Commission of India.

"It also suggested that Article 136 of the Indian consitution, relating to the granting of special leave to appeal to the Supreme Court or tribunal in the state, should be made applicable to Kashmir.

"Yet another move to the same direction is that in the

Indian Parliament has been introduced a Bill extending the application of the Indian Census Act 1948 to the state of Jammu and Kashmir so as to facilitate the holding of a census in that area in 1961 along with the rest of India.

"In my letter dated March 28, 1958, I had drawn the attention of the Security Council to (a) the integration of the state's services with the rest of India and (b) the extension of the jursidiction of the comptroller and Auditor-General of India to the State's Executive. The present move on the part of India is a link in the same chain aimed at systemetic and full integration of the state with India.

"The Government of Pakistan wished to place on record the fact that action of this nature on the part of India consitutes a contravention of the basic principles of the decisions of the Security Council, particularly those contained in its resolutions of March 20, 1951 and January 24, 1957, which lay down that the final disposition of the state of Jammu and Kashmir shall be made through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

"Until the question of the accession of the state either to India or Pakistan, which is still pending before the Security Council, is finallay decided, the Government of India cannot introduce any measure calculated to perpetuate its hold on the state and make difficult the free choice of Jammu and Kashmir.

"My Government being a party to the dispute, considers that it is its duty to apprise the Security Council of these arbitrary steps being taken by India in defiance of the Security Council's resolutions calling for the creation and maintenance of an atmosphere favourabale to the promotion of further negotiations and asking the parties to refrain from, and action likely to prejudice a just and peaceful settlement.

"My Government reserves to itself the right to ask for further action by the Security Council in regard to this matter later.

"It is requested that the Communication may kindly be brought to the notice of the members of the Security Council"

India's Reply to the Pakistan Complaint October 12, 1959

In a communication to the President of the U.N. Ssecurity Council on October 12, 1959, the Indian Permanent Representative at United Nations, Mr. C.S. Jha expressed surprise that Pakistan should have objected to the introduction of normal democratic, legal and administrative process in one of the constituent states of the Indian Union, namely, Jammu and Kashmir.

Mr. C.S. Jha's letter which was released as a Security Council document on October 13, 1959, was in reply to a letter from the Pakistani Representative, Mr. A. Shahi, dated September 9, 1959, in which he brought to the notice of the Council "the contemplated move of the Government of India to extend the jurisdiction of the Supreme Court and the Election Commission of India" to Jammu and Kashmir.

Mr. Jha, in his reply rejected the argument that the accession of Jammu and Kashmir was still be decided and said "This (Shahi's) letter is like other similar communications in the past, attempts to confuse basic facts of the situation by referring to irrelavant matters. Ssince its accession towards the end of October 1947, Jammu and Kashmir has been a constituent state of the Indian Union."

Pakistan's Right to Sell Kashmir Property in Occupied Kashmir Challenged India's Note—November 12, 1959

In a communication to the President of the Security Council on November 12, 1959, India's Permanent Representative to the United Nations, Mr. C.S. Jha drew the attention of the Council to a reported decision of the 'Azad Kashmir Government' to auction certain properties of Jammu and Kashmir State in Pakistan-occupied territory.

The following is the text of the letter :

"I have been instructed by the Government of India to invite your Excellency's attention to the following report which appeared in the Pakistan Press and which has not been contradicted by the Government of Pakistan.

"Azad Kashmir Government to sell State property in West

Pakistan.

"(From our Lahore Correspondent).

"October 10; the Azad Kashmir Government has decided to sell by open auction all property belonging to Jammu and Kashmir state in diffierent parts of West Pakistan. The property includes both residential buildings and agricultural land. Its value is estimated at more than Rs. 3 crores.

Morning News, Dacca, October 12, 1959).'

"As your Excellency and the members of the Council are aware, the Government of Jammu and Kashmir, which is a constituent state of the Indian Union, is the only lawful Government of the State. This was clearly stated by the U.N. Commission for India and Pakistan accepted and in the assurance which it gave to the Prime Minister of India on behalf of the Security Council....

"The following quotations from Para 69 of the first interim report of the Commission will make it clear that the U.N. Commission categorically refused to recognize the so-called Government of Azad Kashmir.

"During its 29th meeting held on August 5, the Commission discussed the (Pakistan) Foreign Minister's statement and agred that it should avoid any action which might be interpreted as signifying di facto or de jure recognition of the 'Azad Kashmir Government.'

As a matter of fact, the then Pakistan Foreign Minister, Sir Mohammad Zafrullah Khan solemnly assured the Commission that even the Government of Pakistan had not granted legal recognition to the Azad Kashmir Government in view of the implications which might ensure (Para 132, S/1100).

"Neither the Government of Pakistan nor the so-called Azad Kashmir's Governement has legal right to sell these properties of the Government of Jammu and Kashmir which are valued at Rs. 5 Crores.

"The proposed sale, if persisted in, will be an unlawful and fraudulent transaction in violation of the Security resolutior of January 17, 1948 and the U.N.C.I.P. resolution of August 13, 1948 and January 5, 1949".

Pakistan's Letter to The Council December 3, 1959

Pakistan's Representative at U.N. Headquarters, Prince Ali Khan, informed the President of the Security Council in a letter on December 3, 1959 that Pakistan would not accept any adjustment that might be made between India and China over the Eastern Part of the Province of Ladakh in the state of Jammu and Kashmir.

Prince Ali Khan drew attention to the various r esolutions of the Security Council and of the U.N. Commission for India and Pakistan and said :

"The substance of these decisions is that the final disposition of the state of Jammu and Kashmir shall be made in accordance with the will of the people expressed through the democratic method of a free anbd impartial plebiscite conducted under the auspices of U.N. and that, to enable such a plebiscite being held, all outside forces shall not only be not consonance with the decisions of the Security Council.

"My Government would leave it to the Security Council to judge the precise extent to which the present situation along the border-between Ladakh and China impinges upon the responsibilities of the Council.

"However, my Government is bound by its duty to inform the Security Council that pending a determination of the future of Kashmir through the will of the people impartially ascertained, no positions taken or adjustments made by either of the parties to the present controversy between India and China or any similar controvery in the future shall be valid or affect the status of territory of Jammu and Kashmir or the imperatives of the demilitarization and self determination of the state laid down in the resolution.

"My Government regards it as a matter of self evident principle that it is for the sovereign authrority freely evolved by and acceptable to the people of Jammu and Kashmir and for that authority alone to effect, or refuse to effefct, any adjustment of its frontiers with any foreign power and that the emergence of such an authority shall not be allowed to be impended by any necessity, supposed or real, for military defence felt at present by any party within the territory of Jammu and Kashmir.

A "Background Note on the question of Ladakh," which was circulated among correspondents at U.N. Headquarters by the Pakistan Mission included the following final paragraph :

"The Government of Pakistan is anxious to lose the pressures on the whole situation in the Indo-Pakistan sub-continent. As such it has refrained from doing anything which would aggravate the difficulties at present being experienced by India.

"At the same time, however, it remains convinced that peace in this area cannot be consolidated except by a definitive settlement of the Kashmir question can be definitive which is not in accordance with the wishes of its people."

"The present situation in Kashmir, with a cease fire between India and Pakistan, which has not ripned into even a formal truce agreement, frustrates the wishes of its people as much as it disregards the realities of the ethnic and religious compsititon of the population of lthe state and geographic and economic links.

"That is why the present situation is a breeding ground of trouble in the area of which the present controversy between India and China is only one symptom."

Indian Spokesman's Reply to Pakistan—December 3, 1959

A spokesman of the Indian delegation at U.N. said on December 3, 1959 that India alone had the right duty to defend the frontiers between Ladakh and China.

He said, "Ladakh, which is part of Kashmir, is a dejure and de facto part of India in lview of Kashmir's accession to the Indian Union. India's uncontestable sovereignty over Kashmir has been recognized by the U.N. Commission for India and Pakistan and in the well known resolution of August 13, 1948.

"India and India alone, and not any other Power, or the

Security Council has the right to defend lthe Ladakh—China frontier. It is a fantastic suggestion that we should take lno action to preserve India's frontiers and should have no diplomatic contact or negotiations with China for the resolution of the border trouble.

"It is astonishing that Pakistan should use India's border troubles to China to press its claim based on aggression on Kashmir.

"If the Pakistan complaint, embodied in the letter to the Security Council, had any reality of substance and were to be acted upon, we would have to let China have been free run of Indian territory and permit her continued aggression, with all its attendant dangers in the Security and integrity of India and to world peace.

"Any one aware of the issues involved in the present India China border troubles will not fail to be impressed by the irrelevancy and untenability of Pakistan's alleged grievance emnbodies in the letter.

Pakistan's reply to Indian view, December 4, 1959

Reply to the Indian representative's statement, a spokesman of the Pakistan delegation at U.N. repeated on December 4, 1959 his country's insistence that a distinction should lbe drawn between "disputes relative to the border between India herself and China and those relating to Kashmir's borders with China."

The first of these, he said, was India's own affair "Regarding the Second question, that of the border between Ladakh and China, the matter cannot be left to India's will alonw. The whole of Kashmir, including Ladakh, is disputed territory, and it is obvious that no claims made on that territory by a third Power can either be resisted or adjusted except through a fair settlement between the two who are already parties to the dispute."

Indian Reply

Shortly after the Pakistan spokesman read out the above statement an Indian delegation spokesman at U.N. once again rejected Pakistan's claim that she must have a say in any settlement relalting to the Sino-Indian border in Ladakh.

A statement read out by him said, "It is necessary to point out again that Jammu and Kashmir, as has been repeatedly asserted by the Prime Minister of India and the Indian delegation at the United Nations, is an integral part of India. The status of Pakistan is only that of an aggressor. We have repeatedly asked that the aggression be vacated. To suggest that the state of Jammu and Kashmir as a disputed territory is, therefore, incorrect. By the same token, it is for India and India alone to take such steps as it deems proper and necessary to protect and safeguard the intergrity of its territory and the Security of its frontiers no matter what the nature, character or cource of any threatened violation may be.

Pakistan's Facts About Kashmir "Misleading" India's Letter to the Security Council—March 2, 1960

India told the Security Council on March 2, 1960 that the Pakistan Representative at the U.N. was persisting in misleading the Council about the basic facts of the Kashmir situation.

The acting chief delegate of India, Mr. T.J. Natrajan, transmitted the following letter to the Security Council President, Mr. Henery Cabot Lodge (United States).

"I have the honour to refer to the letter of acting permanent Representative of Pakistan, dated January 22, 1960 and to state that it is a matter of deep regret that the acting Permanent Representative of Pakistan should continue to make sweeping statements unsupported by any persist in misleading the Council regarding the basic facts of the Kashmir situation.

"The following comments on the statements made by the acting Permanent Representative of Pakistan would show that it is the Pakistan representative and not the representative of India who had mde statements which are entirely baseless.

"(i) Para 2(8) of the Pakistani Permanent Representative's letter on the status of Jammu and Kashmir :

"That Jammu and Kashmir is a constituent state of Indian Union has been recognized in the debates in the Security

Council on the Kashmir situation from the very begining.

"The external sovereignty of Jammu and Kashmir is no longer under the control of the Maharaja. This is an affair between nations, and with the accesssion of Jammu and Kashmir to India, this foreign sovereignty went over to India and is exercised by India, and that is how India happens to be here as a petitioner", (Mr. Warren Austin, U.S. representative on the Security Council at the 240th meeting of the Council).

"It is generally accepted that the right of maintaining an army for the security of a territory is an essential attribute of sovereignty over that territory. Neither the Security Council resolution of January 17, 1948 nor the U.N.C.I.P. resolutions of August 13, 1948 and January 5, 1949 permit Pakistan to maintain any armed force in Kashmir. On the other hand, these resolutions specifically recognize India's right to maintain its army in Kashmir and, at the same time, require Pakistan to withdraw its armed forces completely from the state.

"As the presence of troops of Pakistan in the territory of the stateof Jammu and Kashmir constitutes a material change in the situation, the Government of Pakistan agrees to with draw its toops from the state (U.N.C.I.P.) resolution of August 13, 1948).

"(ii) Para2(2) of the Pakistan Permanent Representative's letter on the basis of U.N. Commission resolutions :

"That these resolutions were framed on the basis of India's complaint to the Security Council is clear from the fact the commission itself has recorded that its approach to the task entrusted to it by the Security Council's resolution of April 21, 1948, was initially based on the complaint of the Government of India, and on the reply and counter complaints of the Government of Pakistan.'

"(iii) Para 2(3) of Pakistan Permanent Representatives letter regarding the assurances given to the Prime Minister of India by the U.N. Commission being extrancous etc :

"These assurances are a part of the Security Council record (Annexure V on pages 57-63 of Secuirity Council official records for the 12th Year, supplement for January, February and March 1957). The Government of India accepted the U.N. resolutions only on the basis of these categorical assurances and the resolutions cannot as the Government of Pakistan repeatedly thought, be interpreted excepted in conformity with them.

"(iv) Para 2(4) of Pakistan Permanent Representative's letter that the withdrawal of forces should be 'synchronized' etc :

"This point has been dealt with and categorically rejected by the U.N. Commission some years back.

"The Pakistan Government could not in reasosn accept nor could the commission have granted a 'synchronization' which would have been incompatible with the terms of the resolution of August 13, 1948. That resolution does not suggest that Pakistan should be entitled to make its withdrawals conditional upon the fact of the consultations envisaged between the Commission and the Government of India having led to an agreed schedule of withdrawal of Indian troops.

"(S/1430, Para 243) Pakistan's objective in pursuing these obstructive tacties was to consolidate its own position in the area which it had unlawfully occupied. It is clear that Pakistan has succeeded in its objective and has violated and continues to violate the assurances given by the Chairman of U.N.C.I.P. to the lPrime Minister of India and Pakistan would not be permitted to consolidate in any way the territory it has unlawfully occupied to the disadvantage of the state.

"(S/1100, Para 78 and 79). Pakistan armed forces are still in Jammu and Kashmir; 12 years have passed since Pakistan accepted the resolution which required total withdrawl of its forces.

"(v) Paras 2(5) and 3 of the Pakistani Permanent Representative's letter casting malicious aspersions on the Government of the State of Jammu and Kashmir.

"It is well known that U.N.C.I.P. not only refused to recognise the so-called 'Azad Kashmir Government 'but also specifically agreed not to bring into question the soverignty of the Jammu and Kashmir Government over the portion of their territory evacuated by the Pakistani troops.

"(S/1100, Paras 78 and 79). The ;Commission specifically recorded : 'nor did it put into question the legality of the Jammu and Kashmir Government' (S/1430, Para265). It is because of this view of the Commission that the U.N.C.I.P. resolutions of August 13,1948, part II para B 3 makes a pointed reference to this Government and its authority.

"The Government of India will undertake to ensure that the Government lof the state of Jammu and Kashmir will take all measures within its power to make publicly known that peace, law and order will be safeguard and that all human and political rights will be guaranteed.

The extent to which the Government of Jammu and Kashmir has, despite the continuance of Pakistan aggression, safeguarded peace, law and order and carried out the guarantee of human and political rights, can be judged by the statements made by independent observers who have visited this Part of India from time to time: Mr. Khrusheve, Soviet Prime Minister ..... The peoples of the state who belong to different nationalities and different faiths live as friends and ought to work for the well being of their beloved state— the Republic of India. (Srinangar, December 10, 1955). Earl Attlee—"Certainly they are very busy with development plans which were badly needed in this formerly backward state. Education is making great strides, both primary and advanced. We visited a girls college with 600 students. We saw also hospitals and had detailed statstics as to social progress which considering the difficulties, were very impressive ......although my impression is that, judging by results, the present regime is successful. It is also thoroughly democratic with local self-Government all the way up from the village."(Indian Express, November 28,1956). General Nadir Batmanzhildj, then Iran's Minister of Interior, "and my companions are carryhing unforgettable memories of our stay in Kashmir, though of a short duration. Wherever we went, we found practical and earnest efforts being made for lthe betterment of life and welfare of the people. The steps that have been taken during such a report period in Kashmir are commendable and augur a very bright and glorious future..... We hope the people's of Kashmir will march ahead steaddfastly towards progress and prospoerity under the inspiring guidance of its Government and leadership."

Pakistan Worsening Ladakh Situation India's Letter to the SecurityCouncil—May 23, 1960

The following is the text of the letter written by India's Permanent Representatives at the U.N.Mr. C.S. Jha, on May 23, 1960 to the President of Security Council :

"I have been instructed by the Government of India to refer to the letter dated March 24, 1960 from the Permanent Representatives of Pakistan addressed to the President of Security Council regarding recent developments in Ladakh.

"The Pakistan Permanent Representative denies that his letter of December 3, 1959 (S/4242) was intended to put pressure on India land to aggravate the situation caused by the Chinese incursions into Ladakh. This denial, I regret to say, follows the pattern of other previous denials referred to briefly in para2 of my letter of December 22,1959, (S4249).

"In para 3 of his letter, the Pakistan Representative refers to the resolution of the Security Council dated January 17, 1948 which Pakistan has consistently violated, refers to the situation which was the subject matter of India's complaint to the Security Council and directs the parties to keep the council informed of all important developments in regard to that situation. In utter dis-regard of this resolution, Pakistan marched its regular armed forces into the Indian Union territory of Jammu and Kashmir, annexed the Northern areas of the state during the period of cease fire, increased the fighting strength of the socalled 'Azad Kashmir' forces, also during the period of cease fire received military aid and joined military pacts, thereby increasing its military potential in the area under its unlawful occupation. Apart from these violations of its obligations, Pakistan countries to use its unlawful occupations ofpart of Jammu and Kshmir to instigate subversion and sabotage activities in the territory of the Indian Union in Jammu and Kashmir. The Government of India has from time to time brought these developments to the notice of the council.

"The position of the Government of India in this matter of the recent Chinese incursions into Ladakh has been clearly stated in para5 of my letter of December 22,1959. The recent incursions of China into the territory of Indiån Union does not give Pakistan herself and older aggressor on Indian territory, the right to exploit to her advantage a similar aggression from another quarter.

6

M.C. Chagla's Speeches

I

Pakistan's Application : Culmination of Hate Campaign

The Security Council is perhaps the most important organ of the United Nations. Every Member State has a right to approach it. But it must approach it with a due sense of responsibility. It is not intended as a platform for lpropaganda against any Member State. Nor is it obvious meant for creating tensions in a world where there are already more than enough difficulties and problems. I propose to satisfy you that there was no justification whatsoever for Pakistan to have taken up the time of this Council. Pakistan 's application constitutes the culmination of the campaign of lhatred lthat it has ceaselessly carried on against India. The basic principle of its international policy is opposition to India lon every front and as lthe London Time recently observed, "The loadstone of every aspect of lPakistan's foreign policy is bad relations with India."Its approach to the Council is purely an agitational. Its desire is to use the forum of the Security Council to carry on its agitation against my Government and my country.

We sat at this Council table listening patiently to the statement of the Foreign Minister of Pakistan to find some reason for the convening of this meeting and into what its deliberations are likely to lead. I confess that after having heard the statement of the representative of Pakistan, my delegation and my Government continue to hold the view that there was no reason for convening the Security Council because no new situation has arisen to aggravate the existing conditions in Jammu and Kashmir.

Pakistan's application reads like a horror story. We are told that the Muslim majority in Kashmir is in great peril by India's attempt at so-called "integration or annexation"of Kashmir; that large Muslim crowds have been demonstrating against India and in favourof a plebiscite; that Kashmiris in "open rebellion" that the kashmiris are being crushed under the heel of India and terrible things will happen there unless something is done immediately. I shall satisfy you that all this is a figment of a vivid imagination.

Pakistan has pretended to show a great solicitude for the Muslims living in India,and the Foreign Minister of Pakistan has stated that hundreds of thousands of Indian Muslims have been pushed out into East Pakistan. When Pakistan talks of the Muslims minority, it gives one the impression that we are dealing with a few thousands or a few hundreds of thousands of people in a large country tucked away in some far corner and surrounded by a large mass of Hindu population.

Now let me inform the Council that Muslims are not a minority in the ordinary sense of the term. They constitute 50 millions of the population of India, India is the third largest Muslim State in the world —the first being Indonesia and the second Pakistan. They are sons of the soil, they are Indian by race and they enjoy all the rights of citizenship. Every office is open to them, land in fact many of them hold the highest offices in the land. Our civilization is a synthesis of many diverse cultures and the Muslim contribution is one of the most significant. Ours is a se cular State and an egalitarian and equal protection of the law. We have no official religion. Hindus, Muslims, Christians, Buddhists, Sikhs Parsis and others have full freedom of worship, and fundamental rights under the Constitution are guaranteed to every citizen. We have no first class and second class citizenship. Before the law everyone is equal.

Many of our differences with Pakistan are due to the fact there is this basic differences betbween our policy and that of Pakistan., While we have based our State on seclarism, which means that there is no established church and everyone is entitled to profess and practice his religion without let or hinderance from the State, Pakistan is a theocratic State. When the leaders of lthe Muslim League were separate nations and were entitled to have a homeland of their own. We recognize India and Pakistan as two nations, but we have repudiated the two nation theory based on religion and it is labhorrent to us. If Hindus and Muslims constitute two nations, then the inevitable result lmust follow that the 50 million Muslims in India are aliens in their own homes. We refuse to subscribe to the theory that religion can be the sole basis of nationality. We believe in a multi racial multi communal and multi linguiistic society, and according to uss peace and goodwill in this world depend upon the success of such a society. I am sure that this sentiment will strike a sympathetic chord in the hearts of many African countries which have recently achieved independence. Most of them have populations which practise different religions.The same is the case with many West Asian countries, land in the United States itself a brave attempt is being made to consolidate and integrate its different racial groups.

Indian Muslim Opinion Behind India

It is not extraordinary that while Pakistan is shouting itself hoarse as a self appointed guardian of Indian Muslims, Muslim opinion in India has always strongly endorsed the policy of my Government?

May I, with the President's permission, read three quotations from three Muslims newspaper in India? They were written in Urdu but I have the translations.

The first is from the Siasat-e-Jadid of Kanpur dated 16 Janauary, which states:

> "The Pakistani authorites and jouralists make an exhibitions of great sympathy for the Indian Muslims minority and bewail their plight through speeches and writings without ever realizing that it is for their verbal and written intemperances and provocations that the Muslims have to suffer. Indian Muslims ....want to tell these foolish friends frankly that they should for God 's sake leave lthem alone. "

The Nai Duniya of 21 January, states:

> "Pakistani newspapers, leaders and radio played up the theft of the holy hair in a manner so as to excite the feelings of the majority. If lthe newspaper, the radio and the leaders of Pakistan had not behaved in this irresponsible manner, the mischief mongers of Khulna and Jessore would never have dared to attack the life and property of Hindus."

These two places are in Eastern Pakistan.

The third quotation is from the LMusalman of Madras,. dated 18 January, which says that:

> "The trouble which started in Kashmir following the theft of the acred hair should have remained localized but it is to be regretted that Pakistani citizens thoughtlessly created disturbances over it and subjected the innocent non Muslim minority there to tyranny. This led to Hindu Muslim riots in Calcuttaa and the innocent Muslim minorityof Calcutta had to suffer."

One might ask oneself: what does Pakistan seek to achieve by its anti Indian crusade, its compaign of securrilous abuse and hatred of India? Is it helping the Muslims of India, in exciting communal passions, fanning the falmes of fanaticism and intolelrance, and lis preaching Jehad—holy war—helping the cause of Muslims in India? May I observe in passing that no war is holy and that every war is cruel, blood thirsty and the cause of terrible suffering and distress. No I do not think Pakistan is so unsophisticated as all that. It wants to see discord and turmoil in India— It wants India to be politically and economically weakned so that it can get an opportunity to continue further its present illegal occupation of a part of territory as Bombay or Delhi is. It is already thereby playing the Chinese game of weakening India internally and undermining its defence against China. I wish to make it clear on behalf of my Government that nothing, I repeat nothing will induse any Government in India, whatever be its party affilations to sign the death warrant of the unity, intergrity and solidarity of the country.

Nothing to Justify Pakistan's Approach

I said earlier that nothing has happened recently to justify Pakistan's approach to the Seccurity Council. We are told in the letter addressed to the President of the Security Council dated 16 January 1964, that a grave situation had arisen in the State of Jammu and Kashmir and that this was the direct consequence of the "unlawful steps" that the Government of India was continuing to take in order to destroy the special status of the State of Jammu and Kashmir, that this was a part of India's design to annex Jammu and Kashmir to India and that the Government of India was deliberately set on defying the Security Council and on integrating Jammu and Kashmir with the Indian Union. This is not a new complaint. A similar complaint was made by Pakistan in June 1949 following a decision of the Constituent Assembly of India to reserve four seats for the representatives of Jammu and Kashmir in the Indian Parliament. The United Nations Commission had then refused to take any action in the matter on the ground that it was difficult to oppose the measure of the Govoernment of India on purely legal grounds. Similar complaints had been made by Pakistan every time some changes had been made. In regard to the present complain it is relelvant to point out that this had already been conveyed to the Security council by the Permanent representative of Pakistan in a letter dated 9 October 1963. India replied to this letter on 13 November,1963. The permanent representative of Pakistan addressed another letter on 5 January 1964 raising the same complaints. Nothing new has happened sisnce then to justify the demand contained in the letter of the Foreign Minister of Pakistan dated 16

January 1964 for an immediate meeting of the Security Council to consider the grave situation stated to have arisen in the stated to have arisen in the State of Jammu and Kashmir.

The Princely States' Accession —The Background

Let me deal, at some length, with this charge of Pakistan that we are trying to "annex " or "integrate"Kashmir into the Indian Union. It is beyond doubt that legally and constitution when the Ruller of Kashmir executed the instrument of Accession to India and Lord Mountbatten, the then Governor General of India accepted the Instrument the whole of Kashmir became an integral part of the Union of India. It is necessary to look at the political and constitutional position prevailing in lthe subcontinent of India on the eve of Independence. There was British India over which the United Kingdom exercised complete sovereignty. There were also more than 560 Princely States which were sem-independent and which were protected by the United Kingdom by a doctrine known as paramountcy. The meaning of this doctrine was that the King of England and Emporer of India was the paramount lord as for as these princes were concerned land in retrun for the fealty pledged by them the King Emperor gave them protection. When the Indian Independence Act was passed by the British Parliament, British power was transferred to the people of India las far as British India was concerned and Britain also put an end to paramountcy, leaving it to the princes to arrive at such arrangements as they thought proper with the Governments of India and Pakistan. At the same time, India was partitioned, a part of country seceding to constitute itself into Pakistan. But the Present Government of India was the successor Government to lthe Government of the United Kingdom. Pakistan was a new State which came into existance It was also provided that it was open to very Princely State to accede either to India or to Pakistan. The law did not provide that the Instrument of Accession was accepted either by the Governor-General of India, or of Pakistan, the particular Princely state became an integral part of one or the other of the two Dominions. It is significant to note that there was no provision that the accession had to be ratified by ascertaining the wishes of the people of the acceding State. Leaving aside for a moment the question of Jammu and Kashmir, several princely States under this law acceded to India or Pakistan that these accessions are, in any way, incomplete or require some action to be taken before they become conclusive.It is only in the case of Jammu and Kashmir that Pakistan has shown such laudable zeal in the acred cause of democracy and self deterlmination.

It has also to be remembered that the partition of India was confined to British India and that in drawing the lines of the frontier questions of Muslim majority provices were taken into consideration only with regard to British India. There was no question whatsoever with regard to the religious complexion of the populatio0n of the Princely States. The question whether one princely States. The question whether one Princely State should accede to India or Pakistan was left to the determination of lthe Ruler of lthe State. Pakistan has often put forward a proposition that the State of Jammu and Kashmir by reason of its large Muslim majority and of the fact that Pakistan came into existence as a Muslim State should naturally from part of Pakistan. This is a wholly erroneous view of the legal and constitutional position.

The British Government had made it quite clear that the partition was only of British India and that this principle did not apply to those States such as Kashmir and several hundred others, which were ruled by Indian princes. I quote from the British Government 's announcement of 3 June, 1947, which said:

"His Majesty's Government wish to make it clear that decisions announced above (about partition) relate only to British India and that their policy towards Indian States contained in the Cabinet Mission's Memorandum of 12 May, 1946, remains unchanged."

The Cabinet Mission's memorandum reads as follows:

> "His Majestys Government will cease to exercise the power of paramountcy. This means that the rights of the States which flow from their relationship to lthe Crown will no longer exist and that all lthe rights

> surrendered by the States to the Paramount power will return to the States. Political arrangements between the States on the one side and lthe British Crown will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationshipwith the successor Government or Governments in British India, or, failing this, entering into particular political arrangements with it or them."

Provision for accession was made in the Government of India Act of 1935 as adapted under the Indian Independence Act of 1947:

"An Indian State shall be deemed to have acceded to the Dominion if the Governor General has signifieid his acceptance of an Instrument of Accession executedby the Ruler thereof."

These were Acts of the British Parliament which created the Dominions of India and Pakistan. None of the provisions of these Acts can be questioned at least by India, Pakistan or the United Kingdom, which were parties to this agreement.

It was entirely for the Ruler of Jammu and Kashmir to decide, taking all factors into consideration —the factor of continguity, the factor of communications, the factor of economic and others—whether it would be beneficial for the State to be part of one Dominion or the other. The question of religion did not come into play at all. As a matter of historical fact, although the communal question assumed a large and unfortunate propoortion in British India India and was the platform on which the Muslim League based its policy, the people of the Princely States, Particularly Kashmir, although they suffered from many other disabilities and infirmities did not suffer the disastrous consequeses of religious hatred or intolerance.

Therefore, there is no substance in lthe suggestion that the ccession of Jammu and Kashmir was not complete and absolute because the people of that State had not been consulted nor been given the opportunity to express their choice. It is clear that international law does not require that a treaty concluded by the Ruler of a State, and with the mutual consent of the contracting parties, a treaty which is otherwise valid and should be referred to the will of the people before it takes effect. There is no doubt and I do not think that Pakistan can dispute it, that the Government of the Maharaja of Kashmir was recognized by Pakistan. It was with this Government that Pakistan concluded a Standstill agreement by the exchange of teletgrams on 12 and 16 August 1947. At the time the Giovernment of Pakistan had not questioned whether the Government of the Maharaja was capable of expressing the will of the people nor had it doubted the validity of the agreement. It is thus clear that international law does not require that the party to an agreement should look behind a recognize Government with whom it contracts to see that the agreement has been arrived at by prior consultation with the people. In fact, as I shall mention later, the accession was also supported by the largest political party in Kashmir.

Events Leading to Accession of Jamamu and Kkashmir to India.

I shall briefly deal with the events and developments in Jammu and Kashmir and see whether these have, in any way, affected the legal anc constitutional position. I hope to satisfy the Council that they have not, in the slightest degree. Jammu and Kashmir became an integral part of India when the Instrument of Accession was signed and accepted, land from that day till today it continues to occupy the same position vis-a-as the Indian Union and no qquestion can possibly arise of annexing Kashmir or further integrating it into the Indian Union. You cannot make more complete what is already complete.

The distinguished Foreign Minister of Pakistan has said nothing new on the legal aspect of the Jammu and Kashmir to India. He has repeated the samre mixture of mis-statements, ommissions of material facts and the refusala to face up to the clear provisons of the Indian Independence Act. I do not wish to enter into the details of our case, which is well known to the Security Council. It was last set out at length in 1962. I shall content myself with drawing attention to salient points.

Pakistan's Pressure Tactics and the Tribal Raids

Unlike most of the rulers who had acceded to India or Pakistan before 15 August, 1947, the Ruler of Kashmir did not make up his smind. Pending a decision on accession, lhe asked for a Standstill agreement both with India and with Pakistan in regard to communications suspplies and post and telegraph arrangements which had always been interliked with British India. Pakistan concluded the Standstill agreement, but before a StandStill agreement with India could be concluded tribal raids started. Despite the Stand still agreement, Pakistan cut off communications and stopped the supply of essential commoidities, thereby putting undue pressure on Kashmir. When this pressure failed, armed invasion by nationals of Pakistan and tribal raiders followed. The Ruler's appeals to Pakistan were of no avail. The raiders caused havoc in different parts of Kashmir. The Kashmir State troops were incapable of offering effective resistance to such a large body of raiders. events moved with great rapidity and the threat to the Valley of Kashmir became grave.Unable to prevent the raiders from committing large scale killings, loot and arson, the ruler requested lthe Government of India that the State of Jammu and Kashmir should be allowed to accede to the Indian Dominion . An appeal for lhelp was also simultaneously received by the Government of India from the National Conference also supported the request for the State'saccession to India. May I draw the attention of the Council to what was stated by Sheikh Abdullah, who was then the leader of the Jammu and Kashmir-National Conference, and about whom we have heard such audatory remarks by the distinguished Foreign Minister of Pakistan? This is what he said:

> "When the raiders were fast approaching Srinagar we could think of only one way to save the State from total annihilation, by asking for help from a friendly neighbour. The representatives of the National Conference, therefore flew to Delhi to seek help from the Government of India but the absence of any constitutional between our State and India made it imposible for her to render any effective assistance in

> meeting the aggressor ......Since the people's representative themselves sought an alliance, the Gopvernment of India showed readiness to accept it. Legally, the Instrument of Accession had to be signed by the Ruler of lthe State. This the Maharahja did."

Shikh Abdullah has come to judgement !And I hope Pakistan will accept that judgement, both as the consulation with the people of Kashmir and also as to the fact that India did lnot put any pressure on Kashmir to accede to it.

As I have already stated, the Governor-General, Lord Mountbatten accepted the Instrument of Accession. In answer to a letter of the Prime Minister of India, dated 22 December, 1947, requesting Pakistan not to give aid or assistance to the raiders and not to prolong the struggle, the Prime Minister of Pakistan, on 30 December, 1947, replied·

> "As regards the charges of aid and assistance to the invaders by the Pakistan Government, we emphatically repudiate them. On the contray, the Pakistan Government have continued to do all in their power to discourage the tribal movements by all means short of war."

On 1 January, 1948, we approached the Security Council land, in our letter of that date, we stated:

> "Such a situation now exists between India and Pakistan owing to the aid which invaders, consisiting of nationals of Pakistan and tribesmen from the territory imnmediately adjoining Pakistan on the north-west, a re drawing from Pakistan for operation against Jammu and Kashmir. The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such an assistance which is an act of aggression against India."

India the Original Complaint before UN

It is an extremely significant fact, which is often overlooked because so much time has passed since that event, that we were the complaintants beforethe Security Council, and that we complained of aggression by Pakistan. On 15 January, 1948, the Foreign Minister of Pakistan again emphatically denied that the Pakistan Government was giving aid and assistance to the invaders or had committed any act of aggression against India. On the contrary, the Foreign Minister stated, his Government had continued to do all in its power to discourage the tribal movement by all mena short of war. He stated that the allegations made by the Indian Government that the Pakistan Government was affording aid and assistance to tribal forces, or that these forces had bases in Pakistan territory or were being training by the Pakistan Army, were utterly unconfirmed. Pakistan never contended that India had no right to be in Kashmir.

This categorical denial by Pakistan of being behind the tribal raid is the most important and significant aspect of the whole Kashmir issue. It is ssignificant that, at that stage, Pakistan never tried to justify its pressence in Kashmir or to claim any right to be there. Pakistan was obviously quite aware of the fact that its presence in Kashmir was contrary to international law and was fully conscious of the illegality of its action. That is why Pakistan could not admit its presence in Kashmir and that is why there was a total and straight denial of its presence. Incidentally, the facts just stated by me clearly show that the plea now put forward that Pakistan went to Kashmir in support of a liberation movement is clearly an afterthought designed to create a false moral justification for its invasion of Kashmir. Subsequently admissions by Pakistan to which I shall presently refer, have made clear that this was not merely an equivocation but a deliberate falsehood.

In its reply to the Government of India's complaint dated 1 January, 1948, Pakistan, on 15 January, cast doubts on the legality of the accession of Jammu and Kashmir to India by suggesting that the accession had been obtained by fraud and violence. It is clear that in law, if fraud and vioplence were not established as vitiating it, the acession was perfectly legal and binding. On the question of fraud and violence, it may be stated that Lord Mountabtten had told the Maharaja of Kashmir, on behalf of the Government that you may accede to Pakistan if you wish and we will not take it as an unfriendy act."It's also an admitted fact that not a single Indian soldier was sent to Kashmir to fight against the raiders before the accession. if any violence was used at all against the State of Jammu and Kashmir and the Maharaja, it was by Pakistan. If the Ruler of Jammu and Kashmir was forced to accede to India, it was not because violence was used by India but because it was used by Pakistan and therefore, strangely enough, the fraud and violence which Pakistan was complaining of was fraud and violence used not by India, but by itself, and it does not require a very deep knowledge of law to understand that a party cannot challenge or vitiate the legality of a contract by plealding its own unlawful acts.

The foreign Minister of Pakistan has stated that India obtained the signature of the Ruler on the Instrument of Accession at a time when the people of Jammu and Kashmir had risen in rebellion against the Ruler and had ousted his authority from the State. This is a complete and utter distortion of facts. It was the tribal raiders and Pakistan nationals, aided and abetted by the Pakistan Government who carried fire and sword into Kashmir, whose fate is now of such great concern to Pakistan and compelled the Ruller to turn to Indiain the hour to extreme peril. Let us once again turn to Sheikh Abdullah, whose testimoney is of great importance because it is the testimoney of a witness who is speaking about contemporary event:

> "When for the first time the people of Srinagar saw the incoming planes from India and the tanks of the Indian Army passing through the streets here their disappointed and anguish was turned into joy and happiness. The people here Muslims, Hindus and Sikhs, heaved a sigh of relief, knowing that their honour and dignity could now lbe safeguarded. We must not forgot that time.

The Foreign Minister of Pakistan has also spoken of a depotic Maharaja having signed the Instrument of Accession. Are all the rulers of States who have acceded to Pakistn paragons of democratic virtue?

Pakistan's Belated Admissions

When the United Nations Commissions for India and Pakistan visited Karachi in July 1948 Pakistan could no longer keep up the story that it had a blameless record as far as the invasion by the raiders was conceerned, and Sir Mohammad Zafrullah Khan informed the Commission that three regular Pakistani Brigades had been fighting in Kashmir territory since May 1948. It is in this context that the UNCIP resolution of 13 August, 1948 and 5 January 1949 which we accepted — and these are the only two resolsutions, aprat from the resolution of 17 January 1948 to which we have agreed — have to be understood and appreciated. The very foundation of these resolutions was that the presence of Pakistan in parts of Jammu and Kashmir was illegal, and that it must withdraw its trops and vacate the aggression against India. It is clear from the wording of paragraph 2A(1) of the resolution of 13 August :

> "As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was reported by the Government of Pakistn before the Security Council, the Government of Pakistan agrees to withdraw its troops from the State."

It was only on Pakistan's complying with this essential condition that the possibility of holding a plebiscite in Kashmir could arise. It is clear that the Security Council could not possibly have suggested to India the holding of a plebiscite so long as a gross illegality perpetrated by Pakistan and a deliberate violation of international law remained unrectified. The Security Council could not possibsly countencance a naked aggression by one country against another.

It is often forgotten that when Pakistan approaches the Security Council, it does so as an aggressor which has not vacated its aggression. My submission to you is that Pakistan has been guilty of gross contempt of this august body, and it has no right to be heard till it comes with clean hands. It has not only not washed its hands, and not only tries to justify its a ggression,but seeks to challenge the legal validity of an accession which has been accepted by the UNCIP and on the basis of which Pakistan's presence in Kashmir has been held to be illegal and contrary to international law.

Pakistan A Continuing Aaggressor

Memories are so short that I am sometimes surprised that Pakistan should be permitted to reverse the roles ot itself and India before the Security Council. It comes here in the innocent garb of an aggrieved party making charges against us as if we were the aggressor. Theroughout this Kashmir controversy, which in all conscience has been sufficiently long and protracted, Pakistan has continued to be an aggressor. Even today it is guilty of continuing aggression and, in my submission, it has no locus standi whatsoever to make and complaint with regard to what India is doing in an integral part of itself.

It has been said that, not with standing the accession, assurances were given by several eminent Indian authorities that the wishes of the people of Jammu and Kashmir would be consulted with regard to that States's forming part of India. Those assurances which the Foreign Minister of Pakistan catalogued in his speech were given always in the context of the vacation of Pakistani aggression and withdrawal of Pakistan from Kashmir as a conditon precedent. The letter of Lord Mountabtten, the Governor General of India, dated 27 October, 1947, a separate comccmunication to the Ruler not forming part of the Instrument of Accession, itself says:

> ".......it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession lshould be settled by a reference to the people."

I emphaisze the words"as soon as law and order have been restored in Kashmir and her soil cleared of the invader

Even today, sixteen years later, the soil of Kashmir is not purged of the invaders who continue unlawfully to hold towfifhs of the State. Every time the authorities in India, the Prime Minister or someone else, talked to ascertaining the wishes of the people, such remarkes were always in the context of our demand of Pakistan's withdrawal from Kashsmir.

A plebiscite is only a machinery for ascertaining the wishes of a people. Theere is nothing sacrosanct about it. There are other methods which are equally efficent. The British Government has, in the last twenty years, transferred power to a large number of its colonies, but it has never thought of ascertaining the wishs of these colonies by holding a plebiscite. In India it self no plebiscite was held to determine wither whether the people of the subcontinent of India wanted freedom or whether the majority of Muslimss living in the country wanted partion. The United Kingdom came to the conclusion that independence should be given and that the country should be partitioned because it was satisfied that the Indian National Congress on the one hand and the Muslim League on the other represented the people on these two issues. In Jammu and Kashmir the National Conference as aparty represented the overwheling majority of the people of that State, and, as already pointed out, it fully supporoted the accession of Jammu and Kashsmir to India.

We accepted the two resolutions of the Security Council, namely, those of 13 August, 1948 and 5 January, 1949. Under these a series of steps were contemplated to follow one after the other. The resolution concerning a plebiscite, namely that of 5 January, 1949, was subsidiary and supplemnetary to, and an elabvoration of Part IIIof the resolution of 13 August , 1948, If and when that Part was reached. It was like an architect's design and a blue print and the 5 January, 1949 resolustion could spring to life only if the 13 August, 1948 resolution was fully implemented.

Three General Elections in Kashmir

The Possibility of a plebiscite was envisaged because at that time no elections had ben held in Kashmir. Subsequent to that, Kashmir has had three general election with universal adult franchise, and at all these three elections a party has been returned to power which firmly and emphatically supports Kashmir's integration with India. The last election, in 1962, was held under the Indian electoral law and supervised by the Indian Election Commission. We ourselves have held three general elections. Even our worst enemies have not suggested that these elections were rigged or that they were not secret and free. It was the balllot box that determined which member should be elected. and the elections were so free that in one general election, in one State, a party was returned to powerwhich was opposed to the majority party in India, the Indian National Congress. Therefore, if it was necessary to ascertain the wishes of the people of Kashmir, they have been ascertained not oncne, not twice, but on three occasions. The Foreign Minister of Pakistan has made a great deal of capital from the quotations he has used from various papers about the nature of elections in Kashmir. May I quote from one of the papers he has chosen to quote? This is from the (Manchaster) Guardian:

> "The Jammu elections are a great and quite a genuine victory for the National Conference.
>
> "Elections in Kashmir are over. In Jammu the National Conference was given a tough fight by the Hindu Praja Parishad, and all but five of the seats were contested. After strenuous canvassing and election fever, equalled only in India's most advanced parts, the National Conference won two thirds of the seats.......".

The foreign Minister of Pakistan has referred to theiry two candidates being returned unopposed in the 1962 elections, but he has chosen not to mention the theirty-nine seats which were hotly contested.

Pakistan's perpetual harping on a plebiscite in Jammu and Kashmir is not due to its faith in democratic princples. I should have thought that democracy, like charity, begins at home, and before Pakistan preaches to us how we should ascertainthe wishes of the people of a part of our country, it should first make at least a beginning in establishing democratic in situations at home. I need hardly say that since its existence it has never sufficiently trusted its own people to permit them to participate in a general and direct election for the creation of legislative and parliamentary bodies.

As the Foreign lMinister knows, his own President has repeatedly stated that the people of Pakistan are not fit to exercise such democratic rights, and after seventeen years of independence, the people of Pakistan are still being educated in basic democracy, which I need hardly say is a very diluted form of democracy. The real reason for insisting on a plelbiscite is to try and see whether it cannot inflame communal passions sin Kashmir by making the inhabitants of that State believe that their religion is in danger, and bring about the recurrence of the terrible events of the partition of India in 1947—bloodshed, migrations, untold human misery.

Basis of UN Resolution in Pakistan's Vacation of Aggression

Therefore, if I may sum up, our position on Jammu and Kashmir is clear and unambiguous. The two resolutions of the Security Council dealing with the plebiscite were conditional and contingent on Pakistan vacating its aggression and the condition has noit been complied with. It is really more than a condition. It was the very basis on which these two resolutions were founded, and the condition not having been complied with and the basis having disappeared, these resolutions are no longer binding onus. In many case, by the passage of time and various factors intervening, to which I shall draw attention a little later they have became obsolete. We cannot possibly contemplate with equanimity the threat to the integration of our contry and the danger to our cherished princciple of securlarism by the holding of a plebiscite in Kashmir. I wish to make it clear on behalf of my Government that under no circumstances can we agree to the holding of a plebiscite in Kashmir.

Pakistan's Strange Objections

Let me deal with the allegation of Pakistan of lthe so-called attempt on the part of my country to further"integrate" Kashmir with India. In the first place, as Jammu and Kashmir is an integral part of India, what we have been doing adjusting our relations with Constitutent State of the Indian Union. It is on a part with the Congress of the United States dealing with one of its fifty federated States. Therefore, the question raised by Pakistan is purely a domestic matter with which only India is concerned and in respect of which Pakistan has no right to intervene or intnerfere and which has been specifically excluded under the Charter from the jurisdiction of the United Nations.

But even so, let us see what we have done which has roused the wrath of Pakistan and which has brought it with such urgenecy to the Council. I may point out that Part XXI of our Consitution deals with provisions with respect to the State of Jammu and Kashmir. There are also other articles in that Part which deal with other States in the Indian Union, such as Andhra Pradesh, Punjab 'and Maharashtra. These provision in turn are intended to be only temporary and transsitutional. These will continue to apply so long as the necessity for their application continues. When the necessity disappears, these provisions will be deleted and the provisions of the Consitution which apply to all the States would also apply to the States with regard to which special arrangements have been made under this part. It may be pointed out that the Centre's powers have constantly been modified or extended with the framework of the Consitution, so that the relationship between the Centre and the Consitutent Units has been changing. These changes which occur at various intervals are part of the larger process of the organic growth of the Union of India. Now the changes which are being contemplated and which formed the subject matter of Pakistan's letter of 16 January, 1964, are changing the name of the Head of the State from Sadr-i-Riyasat"to "Governor" and that of "Prime Minister" to the "Chief Minister"This is only a change in nomenclature.

The other proposal complained about is that the representatives of the State of Jammu and Kashmir in the Indian Parliament are hereafter to be elected directly by the people of Kashmir and not appointed on the recommendation of the Kashmir Legislature, as is being done so far. What is wrong in this? One would have thought that Pakistan, with its professed solicitude for the right of self determination of the Kashmiris, would prefer the dierect election of their representatives to the Indian Parliament.

The next objection refers to certain amendments to introduce more progressive labour legislation. India is a member of the ILO and has adopted a number of ILO Conventions. The Indian Labour legislation is in keeping with these Conventions. The need for such labour legislation in Kashmir was not felt so long, since there was hardly any organized factory labour in Kashmir. Now that certain mineral resource have been discovered and mining industry has started, it has become essential to introduce modern labour legislation to prevent abuses. We are bound by the ILO Conventions and we cannot ignore our obligations with regard to any part ofour territory. Similarly what can be the objection of lthe government of India sharing with the State Government concurrently the power to make lawas in respect of medical and other professions when the State Legislature agrees to this change and there is a formal request by the duly elected Government of Jammu and Kashmir? We feel that all India medical and other services lead to progress and increased efficiency and co-ordination of professional standards in different parts of India. So all these changes are for the benefit of the people of Kashmir. It is not a suppression of any human rights. If the Prime Minister of India used the expression"th gradual erosion of Article 370", it was a perfectly correct expression because by its very nature Article 370 is temporary and must gradually fade away and disappear.

In his speech the Foreign Minister of Pakistan has also referred to further acts of "integration"by mentioning "the taking over the responsibility for the administration of high ways, telegraphs, telephone, income tax, broadcasting and cstoms; the subordination of the accounts and audit department of the State to the Auditor General of India; the abolition of the customs barrriers and of the permit system for entry into and going out of the State; the subjection of its economic plans"to the Planning Commission, and the —authority of the Supreme Court of India of powers to promulgate laws in Jammu and Kashmir by executive fiat—and I am still quoting the Foreign Minister of Pakistan—"are links in the chain with which Jammu and Kashmir has been shackled". If ever there was a travesty of what we have done in Kashmir it is this.

Does Pakistan expect that while it continues its aggression, we should sit with folded hands and do nothing whatever in Kashmir to improve the lot of the People? Every action we have taken and to which the representative has referred has been in favour of the amelioration of the conditions in Kashmir, in favour of modenizing the State. Look at the language used by the representative of Pakistan:"The subordination of the accounts and aduit department of the State to the Auditor General of India, or doess Pakistan want that those in charge of the revenues of Kashmir should play ducks and drakes with the people'smoney? Surely, the aboliation of customs barriers and of the permit system for entry into or out of Kashmir helps trade and commerece and prevents unnecessary delays in the passage of goods between Kashmir and other parts of India. In India we have a Planning Commission which plans for the economic development of the country. The plan is prepared after full discussion and debate at various levels.

We want Kashmir to participate in these conomic process which are the modern methods of ensuring orderly economic evelopments which is beneficial to all the people of the country. It is indeed surprising that objection should be taken even to what is called "the imposition"of the authority of the Supreme Court of India over Kashmir. The Supreme Court is the highest court in our country, and under our Constitution it is constituted the custodian of the fundamental rights of the citizens. It is to safeguard these fundamental rights of the people of Kashmir that the citizens. It is to safeguard these fundamental rights of the people of Kashmir that the jurisdication of the Supreme Court has been extended to Kashmir. The President of India does not promulgate lawas unless the necessity for it arises and the conditions for the promulgation are duly satisfied. Our President is not a dictator. He is the consitutitonal Head of the State, and he can act only on the advice tendered to him by the Government of India, which is a Government responsible to Parliament. It is indeed a misuse of language, I would rather say a perversion of language, to speak of these changes in Kashmir as lonks in the chain with which Jammu and

Kashmir has been "shackled". No amount of declamation from Pakistan will deter the Government of India from doing its duty by our people in Kashmir.

The Foreign Minister of Pakistan, overwhelmed by the enthusiasm generated by his cause, agreed with the statement at-tributed to Sheikh Abdullah:

> "Crores of rupees of the Indiana Exchequer have largely been utilized to corrupt the people of Kashmir and almost killed their soul."

Kashmir's Progress as Part of India

Let us see how we have been "corrupting"the people of Kashmir and "almost killing their soul". The revenue of the State of Jammu and Kashmir in 1947 was $5.5 million. In 1959-60 it was $ 23.5 million . The per capita income in 1950-51 was $38 and in 1959-60 it was $ 48. The food production prior to 1951 was 0.3 milliontons and in 1961 it was 0.5 million tones. The electricity produced in pre-1951 was 4,360 kilo watts and in 1961 it was 16,000 kilo watts. The number of factories is 1947-48 was 44 and 1961 it was 138. The roads per hundred square miles prior to 1951 were 2.5 miles and in 1961 40 miles. This is important. The number of tourists in pre-1951, in a country dividend from the outside world by a "wall of steel" in the words of the Foreign Minister, was 27,207; in 1961 it was 262. The figures of literacy were 6.6 per cent before 1947; in 1961 12 per cent. The number of hospital and dispensaries in 1947-48 was 89; in 1961 it was 349. The average life expectancy before 1951 was thirty two years; in 1961 it was forty seven years. What a distressing picture of a country again to quote the phrase used by the Pakistan Foreign Minister "under the colonial domination of India".

The Holy Relic—Pakistan's Propaganda and the Facts

I will now turn to the baseless and mischieveous connection which Pakistan has sought to establish, in its letter of 16 January 1964, between these changes in the consitutional relations between India and one of its constituent states and the theft of the holy relic from the Hazratbal Shrine. It is suggested that this sacrilege has served to provide a spark to the bitter discontent and inignation which has been mounting in Kashmir as a result of India's policies and which is now rampant amongst the people of Jammu and Kashmir against recent Indian moves to "integrate" that part of the State with the Indian Union; that since the theft of the holy relice and the Muslim population of Jammu and Kashmir has given vent to its anger through massive demonstrations for more than ten days and that hundreds of Muslims kept marching in mourning procession day after day through the streets of Srinagar. You will note that what is stated here is that the demonstration was by the Muslim population of Jammu and Kashmir; no one else joined. It will be immediately noticed that Pakistan has tried to give a communal turn to the incidents in Kashmir. To Pakistan everything is communal. It cannot observe any event except through communal glasses. It cannot understand how Hindus and Muslims can live peacefully in Kashmir and have the best of relations. Its philosophy is that in the very nature of things Muslims must hate the Hindus and the Hindus must hate the Muslims.

When the sacred relice was stolen, Pakistan expected that there would be communal ritots in Kashmir. Not only did it expect this, it did its best to incite them, as can be seen from the statements that appeared in the Press and aso the utterances of responsible men in Pakistan. President Ayub Khan, speak,ing at Sukkur, on 4 January, 1964 said:

> "the theft of the holy relice is a calculated political conspiracy to subject the Muslims of Occupied Kashmir to more and more atrocities.......to Muslim, however sinfulf, could every think of committing such a ssacrilege. Therefore, it was certain that no Muslim could be held responsible for this heinous crime and as such it was evident that the crime was motivated by a political conspiracy"—and this without a tittle of evidence.

As you will see, the suggestion in this statement is that it must be a Hindu who stole this relic in Kashmir, and thereby incited the Muslims of Kashmir against the Hindus.

I am now quoting a very well known newspaper from Stockholm. Svenska Dagbladet of 30 December, said:

> "...It is difficult to believe that the theft of the Holy Prophet Muhammad's lock of hair that has caused such riots in Kashmir would have been initiated by Hindus even if, naturally, lthere are fanatics in Hindus circles also. It is more probate that the deed has been done by some Pakistani agent, perhaps one of the Pathans who, during the last few years, have been recruited by the recruitment agencies on the Pakistan side to take part in a planned 'Algerian Liberation War'on the Indian side... In this way Chinese internests are also served. The Indian defence of Ladakh is wholly dependent on the connection of Srinagar and the Vale. The only road from Laddakh goes straight down to Srinagar and therefore has an enormous strategic importance."

In quoting from the despatch from Richard Critchfield, Mr. Bhutto, the Foreign Minister, conveniently ommitted a significant poirtion thereof. This is what he says in continuation of what Mr. Bhutto has quoted:

> "Meanwhile, in Pakistan, Foreign Minister Mr. Bhutto urged Kashmiris to rebel against the Indian controlled Government."

And the Foreign Minister comes to you here to appeal for peace! I repeat: the Foreign Minister, Mr. Bhutto urged Kashmiris to rebel against the Indian controlled Government.

Does the Foreign Minister accept this presentation of his statement to be correct?

The Economist of 4 January, 1964, also quoted by Mr. Bhutto says:

> "Pakistan's Foreign Minister, Mr. Z.A. Bhutto, has charged India occupation authorities with instigating the theft, apparently so as to terrorize the oppressed Muslims into fleeing from their homes. This is an implausible a ccusation, to put it mildly, but the point is not that it is implausible, but that is made. "

So the Economist realizes the point of Mr. Bhutto, the Foreign Minister, in making this charge that the theft was instigated to terrorize the "oppressed"Muslims. The suggestion was that there should be trouble in Kashmir and that the people of Kashmir, especially the feelings of the Muslims, should be inflamed and that they should rise against the Hindus.

Now, unfortunately for Pakistan it is a fact which cannot be challenged that there was complete communal unity during the demonstrations that were held by the people of Kashmir protesting against the theft of the relice. Hindus and Sikhs joined their Muslism brethren in mourning this loss. To the Hindus and the Sikhs the relic was not a Muslim relic but was a relic belonging to Kashmir, indeed to the whole of India. We in India respect each other's religion. Hindus revered Muslim saints and vice versa. We all join in the celebrations of different communities. It requiress a modern, secular, rational outlook to understand this phenonomenon.

A further significant fact of these demonstrations is that not only were they not aimed against the Government of India but, on the contrary, they showed complete confidence in the policies of my Government, and what is more, they appealed to the Union Government that they, rather than the local administration, should investiigate into this crime and bring the guilty to book. It was in response to the appeal of the people of Kashmir that the Government of India sent its highest officials to Srinagar to investigate the matter and to recover the relic.

The action of my Government was successful because the relic was recovered and restored. According to a report in the New York Times of 4 February, 1964, datalied Srinagar, 3 February:

> "A Committee of Muslim leaders decided today that the hair now enshrined in a mosque near here was the one that disappeared from there last December 26. "

According to the latest information that I have received, a special "didar" or exposition of the holy relic was held on 3 February, at Hazratbal. A number of prominent religious personalities, most of whom were nominated by the Action Committee, to whom were nominated by the Action Committee, to whom reference has been made by the Foreign Minister of Pakistan, saw the holy relic and declared it genuine in the presence of the large number of people in the mosque. Among those who identified the relic was Maulana Masoodi, about whom also a reference was made in the statement by the Foreign Minister of Pakistan. Investigation is in the final stage and the accused persons will be put on trial very soon. It is true that the demonstrations were aimed at the local administration but surely it is a fundamental right in a democracy of the people to express their dissatisfaction with their Government. Such demonstrations are not unknown even in more sophisticated societies. The people of a democractic country have the inalienable right not only to show their want of confidence in their Government but to turn out the Government and elect another one.

What I have been saying about the, nature of the demonstrations in Srinagar is amply out by the testimoney of foreign correspondents who were on the scene and who witnessed what had happened.

The Guardian, a well known English newspaper, which Mr. Bhutto quoted, of 6 January, 1964 has this to say:

> "There was singing and dancing in the street of Srinagar yesterday after the Government announced that the relic had been found. A sullen and angry city was suddenly transformed into a joyful one."

The New York Times of 24 January, 1964, has the following story from Thomas F Brady :

> "This dissatisfaction of Kashmiris with their local Government, but apparently not with the Indian natioinal Government found expression in protests and riots that followed the theft.....The big Muslim majority there seems to have shown no animus towards there seems to have shown no animus towards the Hindu minority.... Indeed, the indications are that main targets

> of the arson and looting that followed the disappearance of the relic were the extensive business interests of Bakhshi Ghulam Mohammed, former Prime Minister of the State, and his brother and political right hand, Bakhshi Rashid. Both are Moslems."

I am not here to defend either Mr. Bakhshi or his brother. The point of the quotation is that demonstrations were against the local administration and not against the Government of India.

The New York Times of 5 January, 1964 had the following:

> "One view that was expressed here was that the pro-Pakistani elements had stolen the hair in an attempt to discredit the pro-Indian Kashmir Government."

The Foreign Minister quoted the views of an Indian columnist in The Hindustan Times of 8 January. This columnist be obviously not friendly to the Government of Bakhshi Gulam Mohammed or even to the present successor Government. In a free country with full freedom of the press everyone is entitled to expess his own views. In fairmess to the columnist, I must, however, read two paragraph from the same articel which Mr. Bhutto left out for obvious reasons.

> "But the striking fact has to be recorded that the dismay and anger of the people of Kashmir did not express themselves in communalism or in anti-Indian sentiment. The people did not turn to the pro-Pakistan elements for guidance and leadership. Thir own demand was that India should intervenue, for investigatioin of the sacrilege, to punish the guilty and to ensure that Kashmir did not lapse back into Bakhshi rule.
>
> "The people of Kashmir have given their clear verdict and they are entitled to hope that they have struck the blow for a good and clean administration responsive to their needs and aspirations. They have put their trust in India's doing the right thing by them. Can we afford to betray them again ?"

So the emphasis in all these quotations is that the people of Kashmir have confidence in India, that want India to intervene and that they are not satisfied with the local administration.

Having failed in its' design to stir up trouble in Kashmir, Pakistan diverted its attention to East Pakistan, and serious riots broke out in Khulna, and Jessore and the Muslims there attacked the Hindu minority. There were terrible incidents of looting, arson and stabbing. A large number of members of the frightened minority started a trek towards India, which lay just across the forntier. It is strange that while in Kashmir itself the large Muslim majority did not suspect the Hindus of having a hand in the theft of the relic 1,500 miles away the Muslims of East Pakistan were demonstrating against the Hindus and accusing the Hindu community in Kashmir of anti-Muslim actions.

East Pakistan Riot—Foreign Opinion

May I quote the despatch of Jacques Nevard in The New York Times of 19 January, 1964

> "Few people here," ("here means East Pakistan, where these riots place)," give much credence to the Government-supported view that the East Pakistan riots were caused by the disappearance three weeks ago of a hair of the Holy Prophet Muhammad....
>
> "Officially-approved processions to protest against the loss of the relic got out of hand in the Khulna and Jessore districts of East Pakistan leading to riots against the Hindus."

I request the Council to mark and not the words, "officially-approved."

The repercussion of the Khulna riots resulted in riots in Calcutta. Refugees from East Pakistan came to the city with lurid tales of what had happened to their co-religionists on the other side of the frontier. The passions of the Hindu in Calcutta were inflamed and unfortunate incidents took poace where Muslim lives were lost and some houses in which the Muslims lived were burnt down.

Calcutta Riots, Genesis, and Action Taken—Shri Chagla an Eye-Witness

Now by coincidence I myslf was in Calcutta for four days while these riots were taking place. I had been there on official tour as Minister of Education, but I was an eye-witness to what was done by the West Bengal Government to put down these riots. I express my admiration for the strong measures taken by the Chief Minister of West Bengal. He immediately called out the troops and curfew was ordered throughout the city. Our Home Minister, Mr. Nanda, also arrived in Calcutta and further action was taken. About 5,000 hooligans were rounded up, a citizens' committee was set up to help to restore peace and order, and assurance was given that no landlord would be permitted to benefit by the destruction of Muslim houses, and that as far as possible Muslims would be rehabilitated in the same places where they had originally lived. I was staying with the Governor of West Bengal, Miss Padmaja Naidu, a distinguished daughter of a distinguishd mother, and she threw open a large part of the Government house in order to give shelter to the Muslims who had lost their homes and their belongins. The Calcutta riots were put down firmly and sternly, and today there is complete peace, and the normal situation has been restored. But the terrible tale of communal riots did not end here. There were subsequent riots in Dacca, Narayanganj, Chittagong, Barisal—they are all places in East Pakistan—and in many outher districts of East Pakistan; terrible scenes were enacted, and even according to as important a news agency as Reuter about one thousand Hindus were killed. Our own information is that throughout East Pakistan the number is much larger, and the trouble has not yet ended and that the tension still continues. The Deputy High Commissioner for India in Dacca has so far received requests for migration of over 50,000 families, involving more than 200,000 people; into one district of Assam, namely Garo Hills alone, about 20,000 refugees have moved from East Pakistan. These are official figures.

I did not have any desire to cite these figures—they are grim and unpleasant—but I felt I should give the Security

Council a full picture since the distinguished Foreign Minister of Pakistan in his statement sought to present a one—sided picture before the Council.

I wish to make it clear that whatever may happen in East Pakistan, we do not condone the criminals who are guilty of taking innocent lives. To us a Muslim life is as precious as a Hindu life because both a Hindu and a Muslim are Indian citizens. We condemn bloodshed and looting and arson, whatever may be the cause or the provocation and wherver it may take place. We have respect for human life and we abhor communal frenzy or fanaticism.

The Prime Minister's Appeal for Amity

As our prime Minister said in his appeal to the nation from his sick-bed on 2 January, 1964.

> "We have had distressing news of happenings in East Pakistan in the past few days in which lives of many innocent men, women and children have been lost. These have natrally shocked and upset us. I hope that our countrymen will maintain calm and will refuse to be provoked by these events. Such restraint will be in keeping with age-old traditions of tolerance which is our most precious heritage. Whatever happens elsewhere, citizens of India should prove themselves worthy of their heritage and discharge their sacred duty to live in amity and goodwill with their fellow citizens whatever be their religion or faith. In that way alone we can prove ourselves worthy of our heritage and the confidence which Mahatma Gandhi, our leader, reposed in us, and our dedication to the priciples of freedom and democracy and our secular State."

Pakistan Incites Riots

But I am sorry to say that the attitude of Pakistan is different. By its policy, by its actions, by its utterances, it has deliberately incited these riots. There was peace and harmony between the two communities in India before Pakistan preached Jehad (holy war) and accused the Hindus of being at the bottom of the theft of the sacred relic without a shred of evidence. It deliberately and for set purpose created an atmosphere so that riots should break out in East Pakistan. Thousands of innocent lives have been lost. It maks no difference whether these lives were of Hindus or Muslims. The physical act by which these lives were lost might be that of a Hindu or a Muslim fanatic or a Hindu or a Muslim ruffian, but the Pakistan Government cannot be absolved of its responsibility for the death of these innocent people. We in India treat all our citizens alike. We give them the same right and we want complete communal harmony. We have successfully achieved this, and if we are left to ourselves we will have no communal trouble whatsoever; but whatever based its policy on communal hatred and fanaticism. It has incited the Muslims in Kashmir to rebel agaisnt India, and it has constantly harped on the theroy that Hindus and Muslims are two separate natiens.

Let me point out the attempts that we have made to improve our relations, and point out alos what Pakistan has done in return. Our Prime Minister appealed to Pakistan more than once to enter into a "No-War Declaration." He said that both countries must settle their differences peacefully and resolve that under no circumstanaces and for no reason would either country go to war with the other. This offer was refused. Why ? Has Pakistan got mental reservations ? Does she intend to use violence against India under ertain circumstances ? When the recent trouble broke out, our President appealed to President Ayub Khan to issue a joint declaration to our respective peoples appealing for peace and harmony. This very reasonable proposal of joint appeal—which by the mere fact of its being made jointly by the two respective Heads of States, would have had the msot beneficial psychological effect—also was refused. We then proposed that the Home Ministers of India and Pakistan should meet and visit the scenes of disturbances and suggest what further steps should be taken to prevent such happenings. We were met with a proposal which was tantamount to a refusal.

The Pakistan Foreign Minister has referred to certain talks that took place between India and Pakistan over Kashmir and has sought to make out as if the talks failed due to Indian iintransigence. Let me now state what the facts are. On the eve of the first round of talks in Rawalpindi in Pakistan, the Pakistan Government announced an agreement in principle on the demarcation of the border of that part of the State of Jammu and Kashmir, which is now under the unlawful occupation of Pakistan and which marches with that of Sinkiang. At this stage, we could have legitimately broden off the talks, but, despite the provocation, we decided to continue them. In March, while the talks wer still going on, Mr. Bhutto went to Peking and signed the agreement. Again, we showed restraint and continued the talks, though we had enough provocation. The talks were finally broken off by efforts on our part to keep the talk going. This proves that the intransigence was not on our side at ll but entirely on the side of Pakistan.

Pakistan's Pro-China Propaganda

Now let us contrast this with the attitude of Pakistan. When China attacked us and was guilty of clear and unabashed aggression, Pakistan carried on virulent propaganda against us and in favour of China. No only did it use every effort to prevail upon friendly countries not to give us assistance in the hour of our dire peril but it took up the attitude that it was not China, but India, that was guilty of aggression. The whole of the world, with the possible exception of a few States, saw and understood that we had been victims of a cruel aggression.

The Foreign Minister has given expression to excellent sentiments with regard to the preservation of peace and the solution of international problems by peaceful negotiations rather than by violent meants. We fully endorse these sentiments and we have always subscribed to them. It is one thing to come to the Security Council in the garb of innocence and to appeal to world opinion by emphasizing that the attitude of Pakistan has always been friendly and peaceful and that it has not given any provocation whatsoever to my country—but, when we look at the facts, we find quite a different picture. From time to time, there has been open incitement to violence by responsible opinion in Pakistan; constant suggestions have been made that, if the Kashmir problem cannot be soved peacefully, it must be solved by violent means. Even in the very letter of the Foreign Minister, dated 16 January, which the Council is now considering, the conclusion is very significant that "the people of Azad Kashmir and pakistan may, in desperation, turn to other courses." What are these other courses ? Courses other than peaceful courses are violence and bloodshed. I have rarely seen, in a public document addressed to abody which is responsibly for the maintenance of international peace and good relations, an open thereat being held out by a Member-State to resort to volence under certain circumstances. How, then can we take the Pakistan Foeign Minister's statement here seriously ?

Pakistan's Opportunistic Attitude

I may refer to a letter that appeared in The Observer on 17 June, 1963, by the john Strachey, Labour M.P. who had visted both India and Pakistan in a Parliamentary delegation. Addressing the editor of The Observer, he wrote :

> "You complained that India still keeps a large part of her army on the Pakistan frontier. Before going to Pakistan last month this seemed to me also to be an indefensible deployment of India's forces but during the week in which my colleagues were in Pakistan, a Pakistan Cabinet Minister declared publicly that the Kashmir question must be settled immediately by peaceful means or otherwise. Another Pakistan public main in a key position assured us that if China attacked again he and his friends would not miss the oppotunity this time but would immediately attack India. And almost every Pakistani public man whom we met started the conversations from the assumption that India had attacked China."

As you know, Me. John Strachey was a very respected Member of Parliament who died recently. This is his own testimony as to what he had heard from a member of the Pakistan Cabinet and from men high up in Pakistan public life. This clearly ahows that Pakistan has all along intended to use violence against our country when the opportunity arose.

In this connectioin, I should also like to mention the real attitude of Pakistan with regard to Kashmir. When one analyses the speech made by the Foreign Minister of Pakistan, the underlying sentiment is this India must settle the problem of Kashmir with Pakistan to the latter's satisfaction; if it does not, there will be communal disturbances, there will be troble, there might even be bloodshed. Therefore, Pakistan has approached this Council not with an appeal but with a threat, and we are being asked to submit lto this threat. It is unfortunate that Pakistan does not realize that it is making the lives of millions of people both in our own country and in Pakistan mere pawns in the game of politics.

India today is, perhaps, the only country which can stand up to Chinese expansion and aggression. If India failed, there would be nothing to control the Chinese forward policy. It is therefore not only in the interest of India itself, but also in the interest of peace, that India should be strong. We are very grateful for the aid that we have received from friendly countries. But the whole purpose of this would be completely nullified if India became domestically weak. No country can be internationally strong if it does not alsohave domestic strength. The domestic strength of India depends upon its secularism, upon the vital necesity of the different communities that reside within India living in peace and harmony.

Pakistan Wants to Weaken India

Pakistan does not want India to be strong; it wants to weaken India both internationally and domestically. Its recent flirtations with China are clear evidence of this fact. In this context, Kashmir assumes great importance. Pakistan has been complaining of india's changing the status quo with regard to Kashmir, and yet it has given way to China, in the border agreement, over 2,000 squire miles of Kashmir. Pakistan has no right or title to it, and yet it has been generous at another country's expense. If ever there was a gross change of status quo, it has been by Pakistan. But, apart from the fact taht legally and constitutionally Kashmir is part of India, apart from the fact that we do not subscribe to the theroy that Hindua and Muslims are two nations, and that Kashmir is the symbol and guarantee of our secularism, Kashmir has now assumed vital importance because of the continuing menace of China. A mere glance at the map of India will be sufficient to illustrate this.

The Foreign Minister of Pakistan has sung paeans of praise in faour of Sheikh Abdullah is the "Lion of Kashmir" leader of Muslims there and that we have put him behind bars. It is dangerous to have short memories. May I remind the Foreign Minister of Pakistan of what his own Prime Minster, Liaquat Ali Khan, said about Sheikh Abdullah :

> "Speaking to pressmen at Srinagar on November 10, during Pandit Jawaharlal Nehru's visit to that place, Sheikh Abdullah was reported to have observed that there may not be a referendum at all....this Quisling, who has been an agent of the Congress for many years, struts about the stage bartering away the life, honour and freedom of Muslims of Kashmir who are rotting in gaol."

This statement was made by Mr. Liaquat Ali Khan on 16 November, 1947. In other words it suit them, Sheikh Abdullah is a Quisling—and, when it suits them, he is a hero and the "Lion of Kashmir" and the leader of the Muslim community. I do not know when the tune will change again.

Again in a telegram dated 25 November, 1947 to the Prime Minister of India, the Prime Minister of Pakistan said :

> "I am extermely sorry that you still support Sheikh Abdullah, who you know is a Quisling and a paid agent, to disrupt the Mussalmans of Kashmir."

So here our Prime Minister was being accused of supporting a Quisling who should not have been supported.

I should like to say a word—and I am sorry that I cannot say mor because the matter is sub judice—about the trial of Sheikh Abdullah. We very much regret the delay that has taken place in concluding this trial, but it is being conducted according to the procedures laid down by law. The London Times in a despatch when the trial started pointed out now fair the judge was and how he held the scales of justice even between the prosecution and the defence. It is true, as the Pakistan Foreign Minister has pointed out, that there are a large number of withnesses. This is inevitable in a conspiracy trial. It must also point out that the delay is partly due to the fact that there has been lengthy cross-examination of witnesses given in the interest of Sheikh Abdullah himself. And the most significant feature of this trial is that Sheikh Abdullah has a counsel of his own choice, a distinguished lawyer from the Landon Bar, Mr. Dingle Foot, Q. C. Therefore, the trial is public and every facility is given to the accused to defend himself.

There is another matter to which I should like to refer in the statement made by the Foreign Minister of Pakistan. The Foreign Minister has also spoken of the "wall of steel" that "separates:......Kashmir from the outside world", and has said that "India is trying desperately to conceal what is happening there under a massive blanket of censorship." Now one thing about which we are particularly proud is that Kashmir has always been open to any visitor from any country and of any nationality. We have nothing to hide in Kashmir, nor are we ashamed of anything we are doing there. Every year seventy to eighty thousands tourists, including a large number of foreign tourists, have been coming to this most beautiful spot.

Self-Determination—Ture and False

Pakistan has made a great deal of paly with the idea of self-determinations. It has tried to appeal to world opinion by proclaiming that its interest in Kashmir arises from the fact the people of that State have been denied the right of sef-determinition. Now, in the first place we must determine what are the connotations of the word "self" in this expression. What is the "self" which has the right to determine its destny, to determine whether or would be a part of one country or part of another country or would be ndependent ? It is clear that the "self" contemplated in the enunciation of this democratic principle is not, and cannot be, a constituent part of a country. It can be operatve only when one is dealing with a natioin as a whale and the context in which it can be applicable is the context of conquest or of foreign domination or of colonial exploitation. It would lead to disastrous consequencs if the experession were extended to apply to the integral part of any country or sections of its population, or to enable such integrated part or sections of the population to secede. The Principle of self-determination cannot, and must not, be applied to bring about the fragmentatioin of a country or its people. Let us not froget that the United States fought a bloody civil war to prevent, not a small part, but the whole of the South of the United States from seceding and constituting itself into an independent country. I have no doubt that a large majorty of the people of that of the United States were opposed to Abraham Lincoln and his policies and they wanted the Staes Government, very rightly and properly, in my opinion, refused to break up its country by permitting a part of it the right to secede. In the world today we have innumerable countries in Africa and Asia with dissident miniorites. Many of these minorities might like to set up government of their own. We should have to repaint the map of the world and many Member States of the United Nations would be broken up. Many countries today have living in them people of different rces, religious and cultures, and the future of the world depends upon the evolution of multi-racial States and nations in different parts of the world. Pakistan's thesis is a reactionary and obscurantist one. The thesis of self-determination which Pakistan advocates has been used in the recent past by coloniallist and neo colonialists for the disruption of newly emergent States. Pakistan would have the hands of the clock set backwards and would go back to the days when countries permitted only one religion and persecuted those who folowed another faith. I appeal to this Council not to listen to contentions and arguments which would be destructive of peace and progress and which would lead to the dismemberment of many nations.

Pakistan possesses the happy gift of preaching what it has itself never practiesd. It asks us to hold a plebiscite in Kashmir witout even so much as thinking of holding an eleciton in its own country. It wants us to concede the principle of self-determinatiin to a constituent part of our country without looking nearer home. Has Pakistan ever thought of permitting self-determinaitoin to the Pathans who want a State of thier own, which is described as Pakhtoonistan ?

Movement of Population—the Truth

Let me say o word about the allegatiion of eviction of Indian Muslims made be Pakistan against us. I shall refute this charge not by arguments but by cold statistical facts for 1961 show that there was an increase of 25.6 per cent in the popukation of Muslims in India during the period between 1951 and 1961, against an overall incerease in the population of India of 21.5 per cent. Does this prove genocide or that Muslims from India ar being driven out ? Not only is no Indian Muslim leaving India, but the fact is that Pakistani Muslims in large number have been infiltrating into the surrounding Indian State of West Bengal, Assam and Tripura. This is clearly proved by Pakistani census figures. It will be seen from the Pakistani increased by 26 per cent during the period 1951-61. It is significant, however, tthat much smaller increases have been recorded in some of the districts of East Pakistan bordering India. Noakhali had an increase of only 4.7 pre cent, Comilla 15.4 per cent and Bakarganj 16.8 per cent and Sylhet indicated a rise of only 13.9 per cent, against the overall provincial increase of 26 per cent. The Indian States are complementary and reveal that the population of Muslims in Tripura rose by 68 per cent, in Darjeeling by 200 per cent, in Dinajpur by 74 per cent, in Malda by 62 per cent, in Garo Hills by 49 per cent, in Khasi and Jainti districts by 88 per cent. These figures speak for themselves and are telling when it is rememberd that the over-all increase in the Muslim population in India as a whole was 25.6 per cent. Every natural demographic consideration will show that this big increase could have been possible only by a large-scale influx from Eat Pakistan, particularly from those districts which, according to Pakistan census figures, show abnormally low increases in populaiton.

Let us now examine the picture on the other side. After the Partition and the cosequential mass migrations and killings, Pakistan succeeded in getting rid of practically all non-Muslims in the Western Wing. In the Eastern Wing, 9.24 million were left, according to the Pakistan census figures of 1951. This was roughly 22.03 per cent of the total population of East Pakistan, which was 41.93 million. The corresponding figure for 1961, as can be seen from the Pakistan figures, is 9.38 million non-Muslims, which constitutes 18.45 per cent of the total population of 50.84 million in East Pakistan. It will be noticed that the percentage has gone down by nearly 3.6 per cent over the period of ten years. What is more remarkable is that the populaion of the Hindu minority in East Pakistan has remained practically stationary, although the increase in populaion of Muslims in Pakistan during this decade was 26 per cent. It thre had been a similar natural increase in the numbe of non-Muslims, there should have been an increase of well over 2.25 million. Why has not there been this natural increase ? The answer is that they have all been squeezed out during this period. That fits in with our records which shows the arrival in India of refugees of approximately that number. If he Foreign Minister of Pakistan has any other answer, let him come out with it. Let him also think about who is guilty of evicting minorites.

I also wish to point out that no one is evicted out of India without complying with the provisioins of the rule of law. In the first place, there is a careful administrative scrutiny as to the nationality of the person concerned and it is only after the scrutiny reveals that the person is not of Indian nationality or that he has not the necessary permit for residence or vise, that he is served with a quite notice. Further, after he haa been served with a quit notice he has a right to go to the High Court for a writ on which he can satisfy the Court that the decision of the Administrative Tribunal was incorrect. Recently, both in Assam and Tripura, jrdicial officers have been appoined even for the purpose of scrutiny before quit notice is served.

There is one other minor matter to which I would fefer and that is that a lage number of non-Muslims have ben appointed in the recently constituted Ministry of the State of Jammu and Kashmir. Under normal paliamentary procedure, it is entirely the right of the Prime Minister of Jammu and Kashmir to constitute his Cabinet. In India we do not make appointments on communal considerations. It is true that we try to see, as far as possible, that no part of India and no large community goes wholly unrepresented in the Government, and that is a federal principle with which federal government are familiar. It is a tribute to Kashmir that its Cabinet should truly reflelct the intercommunal unity that prevails in the State of Jammu and Kashmir.

The reference made by the Foreign Minister of Pakistan to the dismissal by Prime Minister Shamsuddin of officers of the State Government is not correct these dismissals were made not for the motive suggested by many of them were retired. Sixty of these officers were Hindus and Sikhs. The communal colouring sought to be given is entirely without foundation.

Before I conclude, I would like to refer to some other points in the statements of the Foreign Minister of Pakistan, both in his letter to the Security Council dated 16 January 1964 and his statement the othe day. The Foreign Minister complainted that the statement of Mr. Nanda, Home Minister of India, at the Bhubnaeshwar session of the Indian National Congress was inflammatroy in character. Mr. Nanda spoke in Hindi and we have here the full text of his statement. I do not dind anywhere in the speech that Mr. Nanda made anything even remotely suggestive or calculated to incite communal passions. On the contrary, Mr. Nanda daid :

> "In case something hapens there"—that is, Pakistan—"we should not allow anything to happen hare"—that is, India—"and in case some trouble arises, stern measures should be adopted and immediately everything brought to normal."

Evidently, the Foreign Minister of Pakistan has relied on some erroneous English translation of Mr. Nanda's sppech. As a matter of fact, far from inciting communal passions, Mr. Nanda played a most worthy role in Calcutta in organizing joint Hindu-Muslim conciliaiton and peace squads, which in conjunction with the stern measures taken to bring miscreants to bok, including police and militay firing at them, whenever necessary, helped in bringing the situation in Calcutta—which, it should be remembered has as large a populaiton as 6,000,000—within control and back to normal in two to three days.

It is inconceivable that on the Platfrom of the Indian National Congress where Mr. Nanda spoke, which is always on the side of inter-communal unity, any Minister, far less the Home Minister of the Government would make inflammatory speeches.

The President's Letter of 16 January, 1964

The Foreign Minister of Pakistan has in he course of his statement said that the reply of the President of India to President Ayub Khan's letter was not helpful. What could be more helpful and sincere and earnest than the concluding paragraph of our President's letter of 16 January which has been circuolated to members of the Security Council ? I might also refer to the statement made be our President on the occassion of our Republic Day, 26 January, 1964, which is couched in the same spirit, and I quote from it.

> "In our democracy men of all faiths have the right to live in honour and harmony under the rule of law; life and liberty of every citizen irrespective of caste or creed, ought to be sacred to every other. Any departure from this is not only morally indefensible but politically dangerous, it weakens our internal unity at a time when the danger to our country from witout · is undiminished. The Government can and will take every step necessary to put down anti-social behaviour but the co-operation of the people is no less important if peaceful conditions are to be preserved, for such peace is the basis on which we could build our future."

On the other hand, the President of Pakistan's letter contained some very serious allegation against India. In our

President's reply attention had to be drawn to those inaccuracies in order to put the matter in proper prespective. It is clear, however, that the spirit of our President's message was one of cordiality and constructive approach to try to solve the very urgent problem of restoring communal harmony wih which both countries are faced.

India's Lead in Struggle against Colonialism

The Foreign Minister of Pakistan characterized India's presence in Kashmir as colonical. I deeply regret that he has allowd himself to make such an outrageous allegation agaisnt my country. He is either ingorant of or chooses to ignore, the istory of India during the last fifty years. He seems to have forgotten that it was India's epic struggle against colonislism, under the leadership of Mahatma Gandhi, a long-drawn struggle agaisnt the mighiest Empire in history, that brought about freedom for India and for his own country. He cannot be unaware of the tremendous impact of the Indian movement agaisnt colonialism on all freedom movements in Asia and Africa and the inspiration it provided and continues to provide for such movements all over the world. It is our great satisfaction in Asia and Africa. He completely ignores the unceasing fight that India has waged in the United Nations and the support to freedom movements in Asia and africa that India has given during the sixteen yeras of its independent existence and as a founder-Member of the United Nations. To malign such a country as colonial shows the height of prejudice; to insinuate that India's present leaders most of all Prime Ministere Jawaharlal Nehru—the great part of whose life has been spent as a freedom fighter not only for his own country but for Asia and Africa—follow a colonial policy is something which Pakistan alone could do. The fact is that Kashmir, since the dawn of history has been a part of India, a repositiory of Indian culture and heritage. It has shared fully in the vicissitudes of Indian history. It has been a part of the Empire of Ashoka and Akbar. Srinagar, the capital of Kashmir, was founded by the great Emperor Ashoka in the third century B.C. The people of Kashmir are blood of our flesh of our flelsh, and Jammu and Kashmir as one of the sizteen Sates of the Indian Union, and the people of Kashmir as Indian citizens, share in the total freedom which India enjoys.

To say that Kashmir is under India's colonial hold is gross calumnay and an insult to the people of Kashmir who are Indians and have been Indians ever since one can remember. The fact is that it is time Pakistan examined its own conscience and looked into its own heart and asked itself how it is that it is holding tow-fifths of Kashmir; that, if anything, is colonial occupatioin.

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Kashmir Not the Only Issue

It has often been said and, I think, it has also been repeated by the Foreign Minister of Pakistan, that only bone of cntention between India and Pakistan is Kashmir and that if the problem of Kashmir were solved to Pakistan's satisfaction then there would be fiiendship and full co-operation between our two countries. I beg to differ. As I have pointed out before, it is difficult to understand the basic philosopby on which the policy of Pakistan is based. In every aspect of its foreign policy, it has disclosed an anti-Indian bias. At one time we were told by responsible Pakistan leaders that the reason why they were driven into the arms of China was our Kashmir policy; as China did not like this reason for Pakistan's friendship for China, they changed the tune and suggsted that even if the problem of Kashmir were solved, Pakistan would continue to support China. In other words, Pakistan's present attitude of hostility towards India as due to the Kashmir problem alone, but it is something more deep-seated.

The same is the attitude of Pakistan with regard to communal riots. The argument is that riots would miraculously stop if the Kashmir problem were solved. Again, there is no connection between Kashmir and the riots. Riots come about because of the communal policy of Pakistan and because of the incitement to communal passin of which it is gulity and of which I have given ample evidence in my statement earlier.

I wish I did not have to take so much time of the Security Council and that I had been spared the need for refuting the many allegations made by the Foreign Minister of Pakistan against us. Repetitious recriminations and fault-finding in the Security Council do not shlp. If these had been fruitful, we would not have been sitting here today after so many years. I was bound to set the record straight in the face of the grave and unfounded allegatioins made agaisnt us by Pakistan. I would like to assure you President and the Security Council that, despite provocations, we shall continue to work towards amelioration of our unfortunate relations with Pakistan. We do not want our relations to be built on recremination but on friendship and co-peration and mutual respect. And here I wish to say categorically on behalf of my Government and the Indian people that we wish Pakistan prosperity and well-being as a free and soverign State and want to build our relations as between two friendly and neighbouring countries on the basis of equality, integrity and sovereignty.

You might as well ask me what step shuld be taken to alter the present unhapy situation and bring about relations between India and Pakistan ? I have not the slightest friends. They belonged to the same country sisxten years ago. They have shared the same tradition and the same past, and even today citizens of Pakistan and India have connections and ties of relationship. If only the Government of Pakistan made a prope gesture and gave up its present attitude, my Government would meet it more than half way. With the greatest respect, I wish to suggest that passing of resolutions will not be helpful. It is likely only to aggravate feelings. No resolution, however well drafted, will satisfy both the parties. What is necessary is action and what we have to remember is that first things must come first.

Pakistan's Threats of Violence Must Cease

The first thing, therefore, is to restore normal conditions in the disturbed areas, of India and Pakistan and to bring about inner-communal unity and harmony in both the counries. For this purpose, we are prepared to take any and every step in cooperation with Pakistan. My Government will welcome a meeting of Ministers form both countries to discues wasy and menas. We must see to it that the disgraceful incidents which took place recently never take place again. They are a scandal to any civilized Government. Secondly, threats of violence which have emanated from Pakistan time to as, I have pointed out, must cease. Let Pakistan unequiocally declare along with India that the two countries will never resort to war and will settle all their differences by peaceful means. In this connection, we welcome the appeal recently issued by Chairman Khrushchev and, as you know, our Prime Minister has warmly endorsed that appeal for the peaceful settlement of territorial disputes. President Johnson has also, in principle, welcomed the renunciatioin of the use of force. Once a better atmosphere prevails, it will be possible—and we are prepared—to ddiscuss with Pakistan all our outstanding differences. We believe in discussion and debate, we believe in the reolution of differences by sitting around the conference table and we will welcome Pakistan to sit with us and resolve our differences. Let me implore Pakistan to remembe that we are most anxious that our two countries, constituting the subcontinent of India, should remain on firendly and cordial terms. The future prosperity and will-being of our two peoples depend on it.

(5 February, 1964)

II

I have listened to the statement of the Foreign Minister of Pakistan more in sorrow than in anger. One can control one's anger, but it is difficult to contorl one's sorrow. My sorrow is due to the fact that the representative of Pakistan should have given expession to sentiments whcih vilify my country and my Government which are a calumny to the record of peace and progress that it has set up since its independence. And this by a neighbour against us whose only disire is to live in peace and amity with the people of a country which only a few yeras back constituted along with itself the subcontinent of India ! I do not propose to imitate the Foreign Minister of Pakistan. I do not wish to wear out the patience of the membes of the Security Counicl by a lengthy dissertation. Their patience has been sufficiently taxed. I think, therefore, it will be a waste of time to reiterate what I have already said in my earlier statement. That is on the record and it speaks for itself. It clearly defines the positioins and attitude of my country and I stand by every word I have siad there.

The representative of Pakistan has realized that the only way he can seek to justify his approach to the Security Counicl is to make out a case of trouble and discord in Kashmir or, to quote his own words in his opening statement. "Kashmir is in open rebellion against India." If the facts show that there have been no communal disurbances in Kashmir; that, on the contrary, there has been complete harmony; that far from Kashmir revolting against India, Kashmir at every stage of this unfortunate incident of the loss of the sacred relic has turned to India for help and support, then it is clear than no change has come about in the situaitin in Kashmir which, according to him, justifies the present application of Pakistan to the Security Councul—not that the fact of disturbance or trouble in Kashmir would justify any intervention by Pakistan since we have repeatedly stated that what happens in Kashmir is entirely a domestic matter for India.

The Foreign Minister of Pakistan has quoted President Ayub Khan as saying that recently there was a spontaneours referendum in Kashmir. How right he is ! And what was the result of that referendum ? The clear verdict that Kashmiris gave was that while they were opposed to the local administration, they had full confidence in the fairness and sense of justice of the Government of India. In my earlier statement. I quoted utterances of responsible Pakistan statemen inciting the people of Kashmir and inflaming communal passions. I said before, and I repeat, that Pakistan expected that the loss of the sacred relic would lead to bloodshed in Kashmir and the Muslim community would rise agaisnt the Hindus and the Sikhs . Even here the Foreign Minister of Pakistan has stated that at this very minute blood is flowing in Srinagar. May I ask whether it is a statement of fact or a wish and a hope ! Let me categorically state to the members of the Council that there is no trouble in Kashmir whatsoever today. The sacred relic has been found and, what is more, it has been identified by the respected religious leaders of Srinagar including Maulana Mr. Masoodi, who is not only not a supporter of the Government but who is in the opposition.

Pakistan's Motives in Demanding Kashmir

We have been told that Kashmir is a vital question Vital to whom ? To the peole of Kashmir or to Pakistan ? President Ayub Khan in moments of self-revelaiton has more than once stated that Kashmir was vital to Pakistan's economy and defence. I quote :

> "Kashmir is vital for Pakistan, not only politically but militarily as will Kashmir is a matter of life and death."

The is what President Ayub Khan siad in December 1959.

And again the President of Pakistan said :

> "You might say, "Why can't you give up Kashmir ?" Well, we cannot give up that dispute not because we are bloody-minded but....for example, for the reason that Kashmir is connected with our physical security. Thirty-two million acres in Pakistan are irrigated from rivers that start in Kashmir."

This is from the speech delivered by Pesidents Ayub Khan at a luncheon meeting at the National Press Club, Washington, on 13 July, and as reported in The Pakistan Times of 14 July, 1961.

Again I quote the Pakistan President :

> "Kashmir is important to us for our physical as well as economic security."

This was what President Ayub Khan said at Karachi on 19

July, as reported in The Pakistan Times of 20 July, 1961.

One moe quotation :

> "Pakistan's President declared that Kashmir was a life and death question for Pakistan and without the solution of this problem we cannot be assured of the safety of our territory, especially the western wing of our counctry............"

President Ayub Khan made this statement at Dacca on 18 October, and it was reported in The Pakistan Times of 19 October, 1961.

So the cat is out of the bag. Kashmir is not vital for human reasons or human considerations; it is vital to Pakistan for its own reason, namely its own security and its own defence.

This also explains what the founder of Pakistan, Mr. Jinnah, once said : that he was not satisfied with the Pakistan which he had obtained because it was a "moth-eaten, truncated Pakistan." It is therefore not out of consideration of human rights that Pakistan has been so ceaselessly and pertinaciously pressng the Kashmir case before this Council.

The truth is that Pakistan wants Kashmir in support of its two-nation theory that, because the populaitoin of Kashmir has a Muslim majority, it must necessarily form part of Pakistan. If we are thinking only of the people of Kashmir, of their rights, of their secuitty, of their desire to live in peace and quiet, then it is time that an end be put to this unending controversy. Pakistan talks glibly of a plebiscite. Does it realize what is consequences will be ? In the place of peace and quit, we may have bloodshed. If the theft of the sacred relic could be exploited to produce riots 1,500 miles away, the stirring of communal passions on a large and massive scale may lead to serious communal riots all over India and Pakistan and to migrations. The only people who would suffer are not the pilitícians . The only people who would suffer are not politicians in Pakistan who preach a "holy war" but millions of innocent people who ar not nterested in plojtics and who want to be left in peace to carry on their normal avocations. So, if we are thinking only in terms of maintenance of peace, respect for human beings, then we would think a thousand times before we would disturb a situation which has existed since India became independent.

Pakistan's Threat to the Security Cocuncil

The whole burden of the Foreign Minister of Pakistan's song has been taht the only thing which poisions relations between Pakistan and India is the Kashmir problem; and, if the Kashmir problem is not solved, relations between the two countries will not improrve, and communal troubles will continue. Thus, to my mind, is an open threat to the Security Council. Pakistan is telling you, Mr. President, in strong, strident and threatening tones, that, if the Kashmir problem is not settled, there would be bloodshed and war. Is anyone going to submit to this threat and intimidation ?

The iron fist is concealed in a velvet glove, the representative of Pakistan has quoted Chairman Khrushchev and President Johnson and has relied on what they said about the settlement of territorial disputes by peaceful methods. Even the devil can quote the Scripture for his purpose. I cannot imagine a more preverse intepretation of the very noble sentiments to which Chairaman Khrushchev gave expression, which were whole-hartedly endorsed by the Prime Minister of India and to which President Johnson responded, thean for a country to talk of peace while brandishing a sword.

The reliance of the Foreign Minister of Pakistan on the appeal made by Chairman Kharuschev makes even more inexplicable his refusal to join with India in a no-war declaration. It is true that these sentiments are embodied and enshrined in the Charter, but they require constant reminders and reiterations. On behalf of my Government, I wish to declare that India under no circumstances will resort to war for settlement of differences with Pakistan. I repeat that India under no circumstances will resort to war for settlement of differences with Pakistan. Will the Foreign Minister also make a smilar declaration ?

It is true that Pakistan wants peace, but it wants peace at the point of a bayonet and on its own terms. Why have we had no refutation from the representative of Pakistan of the statements made by responsbile Pakistan leaders threatening violence against India ? As I have said before, even in his letter to the Security Council of 16 January there is a threat of violence which is not even decently veiled but which is open and flagrant.

Kashmir Part of India

The representative of Pakistan has repeated the slander against India that Kashmir is under India's "colonial rule." Kashmir became part of India not as a result of conquest nor is it a case of one race ruling over anothre; Kashmir has always been part of India since time immemorial, and the people of Kashmir and the rest of India are racially and ehnically the same. Even religiously, athough in that part of India Muslims might be in a large majority, this majority professes the same religion as 50 million Muslims in India. It is here that the basic difference between Pakistan and ourselves arises. The bond that Pakistan finds with the people of Kashmir and which makes the represenative of Pakistan say that he people of Kashmir are their kith and kin, is not common nationality it is not a common race; it is not common traditioins or common histlry; but the mere bond of religion. We emphatically deny and repudidate a philosphy on which our State is based, and our Constitution is enacted, is a multi-racial society, a society in which people of different religions can live together happily and can be treated as equals before the law and can enjoy the same rights and opportunities.

Attitude to Minorities the contrast

The Foreign Minister of Pakistan has spoken with great indignation of the way the Muslims are treated in India and of the frequeency of communal riouts. It is a gross travesty of truth to say that at every Muslim destival Muslims are being attacekd. Is the Pakistan case so bad and so weak that it has to rely on such patent falsehood ? Muslim festivals are celebrated from time to time with members of other communities rejoicing with their Muslim brethren. Fairs are held at Muslim shrines where tens of thousands of Hindus and Muslims attend and pay their respect tothe saints. Even recently in Kashmir, as I pointed out, the loss of the sacred relic was mourned not only by the Muslims but by the Muslims, Hindus and Sikhs, and when the relic was recoverd the rejoicing was not confined to the Msulem Community, but extended to all the communities in Kashmir and the rest of India. On the conrary, there was no rejoicing in Pakista, where the recovered relic was described as a fake, presumably to incite further hated against India. Pakistan has a mentality which makes it impossible for it to understand that Hindua and Muslims can live side by side in peace and concord.

The Foreign Minister has painted a lurid picture of communal riots in India. He has mentioned the figure fo 550. This is a gross exaggeration. Here I might say that we inherited a bad legacy from the British period of communal riots throughtotut the Indian subcontinent. This was a phase which both our countries have reasons to be ashamed of but the whole orientatioin of Indian policy since India became independent has been to create confidence so that these communal incidents should become a thing of the past. Since Pakistan has mentiond certain figures, may I also give the Council some figures ? Between 1950 and 1956 alone, there were 8,021 cases of communal incidents in East Pakistan, in which members of the minority community were the victims. These incidents were brought to the notice of the East Pakistan Government. Since 1956, of course, there have been severalhundred more cases. We condemn these riots, whether in Pakistan or in India. We regreat the loss of innocent lives, and we do our best to prevent such riots.

Here again the attitudes of India and Pakistan are diametrically different.As I pointed out earlier, the incitement to communal riots has been a part of Pakistan's policy. The representataive of Pakistan has quoted some statement of membes of the Hindu Mahasaba, which is a communal party in India. The presentation of the Hindu Mahasabha in the

Indian Parliament—one member out of 500—reflects the following it enjoys among the people. The Indian National Congress, which is the party in power today, is strongly opposed to the philosphy underlying that party. The Foreign Minister is not in a position and cannot be in a position, to to quote leaders of the Indian National Congress or the members of the Indian Government inciting the Hindu in India to attack the Muslims. Indeed, that would be opposed to the basic policy of the cause of Hindu-Muslim unity, and, notwithstanding the grave provocations we have had from Pakistan, the party which he led and which won the independence of India has always preached communal harmony, there is not a Muslim in India who does not upon our Prime Minister as a ture friend.

May I refer to the testimony of an exalted and impartial observer of the Indian scene ? Even Pakistan will not be able to challenge the importance and the significance of his statement. His Majesty King Saud of Saudi Arabia at the conclusion of his wivit to India said this—and I would draw the Council's attention to his words:

> "When I set foot on this precious sol,"—that is, India—"two questions engaged my mind : the fate of the Muslims of India and the general administration of this subcontinent after withdrawal of the British rule......I desire now, at the conclusion of my visit to India, to say to my Muslim brethern all over the world, with greater satisfaction, that the fate of the Indian Muslims is in safe hands...This assurance has been corroborated by all Muslim leaders who I met."

Here is another piece of impartial testimony; I am quoting if from a document of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities—an official document of the United Naitoins.

> "In the course of a discussion at the United Nations Sub-Commission on 11 January 1959, Mr. Richard Hiscocks (United Kingdom) said tha in India Mahatma Gandhi and Mr. Nehru, two outstandings leaders of the world, had the courage to swim against the current

> and bring about a revolution in the approach to untouchability to minorities. Mr. Nehru particularly in the last ten years was responsible for sponsoring legislation in the battle agaisnt discriminatioin of religious minorities.
>
> "He wondered whether leaders in other countries, for instance Pakistan, had the courage to emulate the example of the Indian leaders.
>
> "Senor Herman Santa Cruz (Chile) said he had been in India recently and felt that Mr. Nehru and the Indian Parliament played a notable role in promoting tolerance and getting the viewpoints of minorities appreciated."

Look at the Press. As in every other country we have a few irresponsible newspapers also, but the Governmnt has always appealed for restraint, and I am glad to pay a tribute to the Indian Press, which has shown commendable restraint in the reporting of views and in their comments on the communal holocaust in East Pakistan and has assisted the Government of India in the restoration of law and order. Ours is a free Press, and those who are familiar with a free Press know how difficult it is to restrain it, but in Pakistan, where the Press is controlled, important papers, papers which have official backing have carried on a raging campaign agaisnt India. There is hardly a day when hatred against India and the Hindus is not preached. Here are a few instances of what has appeaed in Pakistan newspapers recently. This is from an Urdu paper, The Hurriyet, Karachi, 4 February, 1964 :

> "Kashmir is aflame. Rivers of Indian Muslim blood are flowing in Bharat"—that is, India—"and Muslim women are being outraged."

One can imagine the effect of a statement like that on the minds of the Muslims, both in India and in Pakistan. If ever there was a statement to inflame passions, it is that. They paint Kashmir as aflame, with rivers of Muslim blood flowing and Muslim women being outraged. If that is not incitement I do not know what it is.

I now quote from the Dawn Karachi, 1 January, 1964, a paper blessed by the Government.

> "They"—that is, the people of West Pakistan—"have called upon the Muslims in India and Pakistan to declare 'Jehad'—holy war—"on the issue and save Muslm shrine in that country from the further sacrilege."

Which Muslim shrine has been sacrileged ? Will the foreign Minister tell me that ?

I quote again from the Dawn, Karachi, 17 January, 1964 :

> "The President, Sardar Mohamed Alam Khan, directed the Muslim Conferecne office-bearers to recruit Razakars"—that is, fanatics—"for Jehad and make them ready till second directive."

That is an order for recruitment a declaration of war. They are only wating for the proper time to march on Kashmir.

The Foreign Minister of Pakistan has taken pride in the way the Government of Pakistan has treated its minorities. Now, there are various ways of treating minorities, and one that Pakistan has adopted is perhaps the most effective one. It has driven out all but a few Hindus from West Pakistan, and it is resorting to policies which are gradually driving out the Hindues from East Pakistan. If the objective of Pakistan's policy was to have a State with only men of one religion living in it, that objective could not be better achieved than by the actions that Pakistan has been taking since it inception. And here may I say in passing that out of the 30,000-odd refugees who have crossed over from East Pakistan into one district of Assam, namely, Garo Hills alone, 3,000 are Christians ? So is not only the Hindus who do not feel safe; it is also the Christians, who are also a minority in Pakistan.

Minorities in India and Pakistan

It is, perhaps, esay and possible for Pakistan to get rid of its minorities. For us, we look upon the Muslims not as a minority but as an important and integral part of our nation. Fifty million Muslims live with their Hindu berthren in all parts of the country, in every village, town and city. To us the very thought of exchange of Hindus and Muslims is abhorrent We realize that India would break up and disintegrate if it cannot give all the communities which live in it protection and full rights.

The Foreign Minister does not like cold, statistical facts. He prefers to rely on his fancy and his imaginatioins. I am not going into the figures which I gave in my earlier statement on the subject of the illegal movements of persons from East Pakistan across the borders into India. The patent fact remains, which has not been disputed and cannot be disputed by Pakistan, that while the population of Muslims in Esst Pakistan has increased by 26 per cent during the census period 1951-61, the Hindu population has remained stationary and that the Muslim population in West Bengal has increased at much more than the naturla rate the foreign Minister is surprisd that any Muslim from East Pakistan should want to go to India. Perhaps even the Muslims of East Pakistan find India a better and a more peaceful country in which they can enjoy democratic and fundamental rights. Forty thousand Pakistan Muslim nationals today are working and earing their living in India on a proper visa. Besides, about a quarter of million Muslims from Pakistan visited India during 1963 on shourt term Indian visas. If Muslims were insecure in India, would such a large number of Muslims form Pakistan be travelling to India ? The Minister also suggested that with strict passport regulaions imported by India, it would be impossible for Pakistani nationals to migrate into India. He forgets that there is an open frontier of 2,000 miles between eastern India and eastern Pakistan and no passport regulations, and not the strictest police surveillance in the world, can prevent people from crossing the frontier. He also quoted the London Times. May I quote from a despatch in an equally important English periodical. The Economist of 5 October, 1963, by a correspondent who claims to have been lately in Pakistan :

> "The subcontinental strategy of irritating India has received its latest expression on the Assam-East Pakistan frontier. India hs long complained of infiltarations

> from East Pakistan numbeirng some say, up to half a million since 1951. The exodus in propably more an index of East Pakistan misery than a cold, political, calculation from Rawalpindi. When the sad emigres are returned over the frontier Pakistan protests that India is attempting to depopulate Assam of its Muslims."

Mr. Richard Critchafiled, wose article the Foreign Minister of Pakistan has quoted with approval, says this about Pakistan in The New York Herald Tribune of 1 Junuary, 1964 :

> "West Pakistan still receives 51 per cent of the national budget but provides 90 per cent of the Central Government staff and almost all the armed forces.
>
> "East Pakistan with more than half the country's population but not 15 per cent of its land area, earns 70 per cent of the export income but until recently received only a third of expenditure allocations , a fifth of United States, and almsot no new private development money.
>
> "It is these Pakistanis who have not found the conception of Pakistan a really captivating idea. Restoration of adult sufferage and the rights of free down, speech and assembly which do not exist in Pakistan—"could hope to remedy this. President Ayub cannot form the durable political base he needs on hatred of India alone."

According to Mr. Chritchfield, the only durable base that Pakistan has for its foreign—and this is what I said in my earlier statement also— is the hatred of India.

With such a situation in East Pakistan, is there any wonder that the people should be leaving for better opporunities elsewhere ? Infiltration of Pakistanis has not created a problem only for India but apparently also for Burma, which is the only other country neihbourng East Pakistan. Burmese press reports indicate that the number of such illegal entrants in Burma is of the order of a quarter of a million.

There has been no change in our policy concering migrations from Pakistan, but on compassionae and humanitarian grounds we are obliged to give all facilities and expedite the processes concerning the examination of applications or migration certificates from East Pakistan into India. All States as you are aware, give compassionate consecutioin to the request of refugees fleeing in fear ofpersecution. It is ridiculous to suggest that the announcement by our Home Minister of better facilities for migration of the Hindu minority from East Pakistan to West Bengal would aggravate communal feelings. If there are riots in East Pakistan which cause much loss of life, if the tension continues, if the press keeps up its unceasing propaganda, is it surprising that the Hindu minority should be in a state of panic and should want to migrate to India where it would have much safety ?

In this connection, I should like to mention that the following report has been received from the State Governement of Assam in India. It is a harrowing tale, and I am sorry I have got to read it before this Council. While a batch off refugees numbering about 1,000 were crossing into Assam from east Pakistan on the evening of 6 February, the East Pakistan Rifles, a quasi-military force of the Pakistan Government opended fire on them. Eleven refugees, including some women, were injured and two children were killed by this fire. the unjured persons andthe dead bodies were brought by the refugees into Assam. The Assam Government has lodged a protest wih the East Pakistan Government and has appealed to the Pakistani authorities to put a stop to the shooting down of unarmed persons seeking refuge in India.

I am surprised at the suggestion made by the Foreign Minister of Pakistan that there should be an inquiry by an impartial tribunal to decide whether the Muslims who have been evicted were Indians or Pakistani nationals. The representative of Pakistan has stated that the maintenance of communal harmony was a domestic problem for India and Pakistan. It is less of a domestic broblem for India to decide whether a particular person is or is not an Indian National ? Many I ask, with all respect, whether any of the countries which have the honour of being represented would agree to abdicate their sole sovereign right of decideing whcih aliens they should admit or permit it reside on their territory, or of determining who is a national and who is an alien ? I have said before that we do not throw people out arbitrarily and we fair hearing to anyone who has been aggrieved by the quit notice.

The Foreign Minister of Pakistan has made an unworthy attack on Hindu society and the Hindu religion. I cannot expect him to understand the philosphy or the tenests of that religion. Similar attacks have been made by the President of Pakistan during his goodwill tour of countries of South and South-Est Asia. Apparently goodwill was to be advanced to be advanced by attacking the Hindu religion. It requires broad-mindeness and tolerance to appreciate a faith which is not one's own. It is ture that achieve a casteless society and we are ceaselessly working towards that end. It is not easy to change institutions that have existed for centuries. As the representative off Pakistan has himself admitted, we have prescribed untouchaility, it is illegal. We hav made it a penal offence for any person to deny to one who was known as untouchable any public right, and in the making of our appointments in the framing of our policies, in the development off our industries, caste plays no part whatsoever, and even in social matters, its hold is becoming more and more tenuous.

I do not envy the representative of Pakistan in the choice of his metaphots I think they are in extermely bad taste. He has compared India to a senile person showing his false tteeth. India is a young country as far as freedom is concerned, although it is old in tradition and history. It is a country which, sicne its independence, has maintained democratic institutioins and has launched upon its economic development in the setting of freedom. These are not false teeth. They are the teeth which we acauired with our birth as an independent naitoin.

The distinguished Foreign Minister of Pakistan has shown surprise that we should resent Pakistan's friendship with China. We do not. We ourselves believe in friendship with all countries and we were friendly with China before it committed aggession on us. The distinguished Foreign Minister objected to my expression of Pakistan's flirtations with China. Perhaps Pakistan has serious matrimonial intentiions. What we object to and resent in Pakistan's attitude towards us from the time the Chinese aggression began. One would have thught that when China attacked us Pakistan would have siad to us, "We have our quarrels, we have our differences but we neighbours and we will not add to your troubles." The would have been a helpful attitude. But no only did Pakistan not stand by us, but it used every argument to prevent friendly countries from giving us aid. It has used the same tactics whcih it is using now with the Security Council, and its threat to its allis in SEATO and CENTO was that if they gave aid to us Pakistan would walk out of the alliances.

Why Pakistan Joins Pacts

The distinguished Foreign Minister has said that Pakistan has always been loyal to its allies. In this connection I hall content myself with quoting a statement of Primier Chou En-lai to the Associated Press of Pakistan, made on 10 April, 1963. Primier Chou En-lai disclosed that the leaders of Pakistan had assured him in 1954 that Pakistan had joined the Western Military Alliances only to gain political and military ascendacy over India and that "Pakistan had no other motivation in joining the pacts." I wonder whether the distinguished Foreign Minister is going to say, "Save me from my friends." Having tried its best to prevent us from strengthening our defences in the hour of our perl, Pakistan carried on and carries on till today, a propagnada in support of China and seriously suggests that we are the aggressors and China the aggrieved party. This seems to be the favourite gambit of Pakistan—always to accuse the innocent party of aggression.

The distinguished Foreign Minister of Pakistan has insinuated that it is not only with China but with other neighbouring States bordering on India that we have strainted relations. the motives and objects of this uncalled-for and malicious propaganda which Pakistan has been carrying on against us are all too obvious. Our non-aligned policy is based on friendship with all countries whatever their ideology and whatever their political or econimic neighbours, Afghanistan, Nepal, Burma and Ceylon. We were on equaliy friendly terms. with China, but China attacked us and took violent and unlawful possession of a our territory.

African Tribute to India

Pakistan has gone to the length of comparing us with South Arrica. I vividly remember the year 1946 when I was at the United Nations as a member of the Indian delegation and handled the resolutioin which India had tabled agaisnt Souch Arrica and which India succeeded in getting adopted in the United Nations General Assembly by a two-thirds discriminaitoin and South Africa's racial policies. Pakistan's crude attempt to set us at odds with our African brethren will not succeed. I suppose what Africans say is more authentic than what the distinguished Foreign Minister of Pakistan alleges. May I be permitted to quote, as an example what Albert Luthuli has siad in his recent book, Let My People Go. As the Council is aware, Chief Lauthuli of South Africa is an outstanding African leader, was awarded the Nobel Peace Prize and wrote his book in 1962 At page 210 of his book he states :

> "The way in which India at the UNO has taken up cudgels on behald of the oppressed South African majority and dragged the whole scandal of apartheid into the open heartened us immesurably."

Pakistan's Trade with South Africa

If any parallel exists, it is between the policies of Pakistan and South Africa. The Government of South Africa, instead of putting down recialism and apartheid supports it, golries in it and gives it a legal and official backing. Pakistan, too, instead of working or a multi-communal society, preaches hatred of one community agaisnt the other and exhibits intolerance and fanaticism in every aspect of its policy. Here I may mention that the General Assembly at its seventeenth session adopted resolution 1961 (XVII), which called upon Members amoing other thingns, to cease all trade with South Africa. As is well Known, India hs had no trade with South Africa for the last seventeen years. In spit of the adoption of resolution 1761 (XVII), and in spite of its co-sponsoring and voting for the resolution, Pakistan continued to carry on trade with South Africa, and here I would like to quote from United Nations document A/SPS/94 of 22 Novermber 1963. That document contains the replies received from Member-States in pursuance of General Assembly resolutioin 1761 (XVII) and the Security Council resolution of 7August 1963. The replies were contained in communications to the Secretary Geneal, or to the Chairman of the Special Committee on the Policies off Apartheid of the Government of the Republic of Sourth Africa, or in statements before the General Assembly or the Security Council. I quote from the Pakistan statement contained in the aforementioned document.

> "It has prohibited import of South African goods into Pakistan and has banned the sale I arms, ammunaition and all types of military vehicles and other strategic goods to South Africa. It is still carrying on a certain amount of export tade with South Africa in pursuance of earlier commitments, but is actively considering the terminaiton of such export."

The General Assembly adopted resolution 1761 (XVII) as long ago as 962, and this reply off Pakistan that I have quoted was submitted on 22 Novermber, 1963.

Pakistan is one of the few Afro-Asian countries which has still diplomatic relations with Portugal; and not only those, but it has lad extensive commercial and air-traffic relations. India broke off diplomatic relations with Portugal a long time ago. Sruely, it is not merely a vivid imagination but a diseased and preverted one which can compare Kashmir with Angola and Mozambique. Again to equate the question of self-determinatioin in Kashmir with the question off-self-determination in Angola and Mozambique or in other African territories is rediculous. While Jammu and Kashmir is a part of India, Angola and Mozambique are non-self-goverining territories, sepcifically so declared in United Nations General Assembly resolutioin 1542 (XV) adopted in 1960, whose people have, under the Charter, the inalienable right of idependence in accordane with the wishes of the people.

The distinguished foreign Minister of Pakistan has waxed eloquent over self-determination. I note that though he used many words he had no answer to the question whether he was prepared to concede the right of self-determination to the Pakhtoons, the Baluchis or to East Pakistan whose people, as a matter of common knowledge, racially, ethnically and linguistically, are different rom the people of the rest of Pakistan.

Self-Determination Not for Breaking up a State

Let me repeat that the principle of self-determination is applicable to nations and nation-State and cannot be used for the breaking up of a State or the fragmentation of peoples. It is this principles which the United Natioins and all African States invoked to oppose the self-determination of Katanga. No one questions the rightness of this decision whcih saved the Congo and, perhaps, a larg part of Afria from further division and fragmentation and chaos.

I repeat our position which I think I had already made clear in my statement of 5 February. We fully endorse the principle of self-determination, and I repeat, we fully endorse the principle of self-determination. But no Member of the United Nations will accept it as an instrument for the fragmentation of the States and the nations.

As a Member-State of the United Nations we have already exercised the right of self-determination. Through a Constituent Assembly of electe representative in which the representatives of the Jammu and Kashmir State participated, the Indian force for fourteen years. Under the Constitution three general elections based on universal adult suffratge have been held, in the last of which there was an electorate of 210 million—the largest known in history. The Indian people inhabiting Jammu and Kashmir have fully shared in that self-determination, but when it is suggested that there should be self-determination for the people of Kashmir, as distinct from the poeple of India, this is a proposition which we cannot accept, as indeed any other suggestion based on the permise that the majority of the people of Jammu and Kashmir happen to profess a particuler religion.

Did Pakistan permit the pelople of the Princely States in Pakistan to exercise the right of self-determination after the Rulers had acceded to Pakistan ? As was disclosed in the West Pakistan High Court a few years ago, the accesion of Bahawalpur had been forced on the Ruler of that State. The Khan of Kalat revolted agaisnt accession and was arrested and detained in 1958. In neither case was the principle of self-determination applid. When Pakistan purchased, and I emphasize the word "purchased," the territory of Geadar from the Sultan of Muscat, what happened to Pakistan's solicitous regard for the people' right to self-determination ? No opportunity was given to the people of Gwadar to say whether in the second half of this, the twentieth century, they wished to be bought like chattel.

The Foreign Minister off Pakistan has sought to counter my argumnt with regared to accession when I siad that the question off religious complexion did not enter into the legal validity of the instrument of accession executed by the Ruler of Kashmir. He has relied on the instance of Junagadh. Now, in that case , the accession would have contravened the principle off contiguity, apart from the fact that the large majority of the people of Junagadh, it is beyond dispute, were totally opposed to the Ruler's acceding to Pakistan. You have only to look at the map of that part of India to realize how absurd Janagadh's accession to Pakistan would have been. In the case of Kashmir not only have we a legal, unconditional but we have also the principleoff contiguity satisfied and even if we were, at the time off accession, take into consideration the wishes off the people of Kashmir, there can be no doubt that the National Conference, which, as I have already pointed out in my earlier statement was the party reprsenting the large majority off the people of Kashmir were clearly and emphatically in favour of accession to India. In the case of Hyderabad and

Jodhpur also the principle of contiguity applied and the people of these states were I have already said about the effect of the Ruler of Kashmir executing the instruemnt of accession and the Governor-General of India accepting it. I have also pointed out that various statements made by the Prime Minister of India and other with regard to consulting the wishes of the people were made in the context of the situation then existing and on the clear understanding that Pakistan would discharge its obligations solemnly given to the Security Council and vacate its aggression.

UN Commission's Proposals—the Background

During the discussions between the United Nations Commission and the Prime Minister of India regarding the Commission's plebiscite proposal of 11 December, 1948 which later became the resolutioin of 5 January, 1949, the Ptime Minister of India empheasized:

> ".....firstly that if the Government of India were to accept the Commission's plebiscite proposals, no action could be taken in regard to them until Parts I and II of the Commission's resolution of 13 August had been fully implemented; secondly that in the event of Pakistan not accepting these proposals ork having accepted them off not implementing Part I and II of the resolution off 13 August, the Indian government's acceptance of them should not be regarded as in any way binding upon them."

This is what the Prime Minister siad on 5 January, 1949, and this is exact position I am takaing up today in the year 1964. The Prime Minister made it clear that unless the terms of Part I and II of the resolution of 13 August were implemented, the Government of India's acceptance would not be regarded as binding upon us. There is no difference whatever in the position taken up by the Prime Minister in 1949 and the position I am taking up at this table in 1964.

Dr. Lozano, Charirman of the United Nations Commission, accepted the points made by the Prime Minsiter of India—paragraphs 2 and 3 ofAide Memoire 1, S/1196. Mr. N. Gopalasswarmy Ayyangar, whom also the Foreign Minister of Pakistan has quoted said in the Constituent Assembly of India on 27 May, 1949.

> "The accession was offered by the Maharaja and it was accepted by the Governor-General of the time...It is an absolutely unconditional offer....The accesion is completes."

The position is quite clear that India itself offered, not as a part of pre-condition or post-condition of accession, but unilaterally to the people off Jammu and Kashmir that after the soil of Kashmir was cleared of the invaders and law and order had been restored, the wishes of the people would be ascertained. It is in this limited sense that accession was said at that time to be subject to the wishes fo the poeple. This did not add could not affect the legality of accession, which, as I said in my statement and as I maintain, was absoute. The Indian Independence Act of 1947, which surely the Foreign Minister of Pakistan would not repudiate, does not speak of conditional accession any right of secession of a Constituent State. Can he tell us if under that Act accession could be anything but complete and absoute ? Does the Act contain my provision even remlotely contemplating partial, temporary, inchoate, or conditional accession ? Are there my words in the relevant provisions of the Act dealing with accession which are other than plain, straightforward and unambiguous ?

The Prime Minsiter of India reaffirmed the same position while speaking in Parliament on 8 August, 1062.

> "All the States in India acceded in July or August or later that year (1947) on these three basic subject— foreign affairs, communication and defence. Can anybldy say that accession of any State was not complete in August or September or later in 1947 because it came in only on these three subjects ? Of course not. It was a complete accession in law and in fact. So the accession of Jammu and Kashmir was complete in law and in fact on a certain date in October.....There the matter rests and it is not open to doubt or challenge."

Therefore we have never changed our position. Our position has remained the same from 1947 until today.

When I said that the two UN Commission's resolutions which we had accepted had become obsolete, I did not say it out of any disrespect for Security Council. We are a founder-Member off the United Nations and we have the greager rspect for that Organization and particularly for the Security Council But haow else can you characterize a resolution which was adopted sixteen years ago and which has not been acted upon by Pakistan, except as obsolete ? It is obsolete in the sense that its very bottom has been knoced out by the conduct of Pakistan itself. The Pakistan Foreign Minister has very wisely not referred to the false statements made by Pakistan with regard to its presence in Kashmir. The Foreign Minister has tried to be irrelvant, because these events happended prior to the arrangement arrived at beween ourselves, Pakistan and the Security I have daid is a total miseading of the UNCIP resolutions. I have said it before and I repeat that thse resolutions were conditional and the condition was the vacation of aggression by Pakistan, which condition was not satisfied and has not been satisfied until today.

Pakistan apparently finds it difficult to explain its unlawfal presence in Kashmir. The Foreign Minister has sought to dispose of this inconvenient question by saying that :

> "The controversies which existed before the acceptance off an agreement cannot be revived; once the agreement is reached you cannot revive the controversy which led to the agreement."

It is a strange argument that because we had agreed to a compromise formula on certain conditions, the compromise becomes sacrosanct even if the conditions were not satisfied. It would indeed be a strange situation if one could not discuss tentative palnts without being bound by them for all time. How could then one carry on neigotiations ? In the course of discussions many offers and suggestions may be made. These offers become binding if they are accepted. If they are not accepted, they terminate. If an offer is made and it is not accepted or not implemented, it cannot stand for evre. We have made this clear on numerous occasions in the past and we have done so once again.

At no time did we abandon our sovereignty over the State of Jammu amd Kashmir, and we have never agreed to any resolution which even by implication questioned this sovereignty. We have taken pains to see that this basic position adopted in the UNCIP resolutions of 13 August, 1948 and 5 January, 1949 is not departed from. We were naturally not prepared to modify these resolutions which had been accepted by both parties, particularly as the suggested modifications were only in favour of Pakistan. All the subsequent talks about "synchronization" and about "balanced forces" and so were not contemplated by the UN Commission in its resolutions.

13 August 1948 Resolution Obsolete

I have just stated that the resolution of 13 August 1948 has become obsolete and that the bottom has been knocked out of it by the conduct of Pakistan itself. May I brielfy enumerate some of the major violations of the terms of his resolutions by Pakistan?

> First, continuing presence of Pakistan forces and Pakistan personnel in Kashmir.

This is not disputed by Pakistan.

> Second, introduction of additional military equipment into occupied territory.

This again cannot be disputed by Pakistan.

> Third, construction of airfields in occupied territory, thus creating bases for attack agaisnt India endangering its security. Again, this is an undisputed fact.

> Fourth, consolidation and incorporation of the occupied area of Jammu and Kashmir into Pakistan.

Again there can be no dispute about this.

> Fifth, usintg its membership of military pacts to increase Pakistan's military potentail in Kashmir, and to strengthen

the statement relied upon by the Pakistan foreign Minister.

There is a minor matter but I must clear up the position. It may be true that between the United Kingdom, Pakistan and India, India and Pakistan were successor-States to the United Kingdom, but there is no doubt that internationally Pakistan was a new State and India was the successor-State to undivided India. If that was not so, it was not necessary for Pakistan to have been admitted as a Member of the United Nations. If both of us were successor-States then both of us would have automatically become Members of the United Nations. The Foreign Minister has also refereed to mediation and arbitration. Need I tell him that in the matter of sovereignty, there cannot be mediation or arbitration. It is the clear insignia off sovereignty cannot permit adjudication about ir, or leave it to some other country to decide whether in fact it is sovereign or not.

We have been told that four Indian divisions are stationed in Kashmor. I am not here to disclose military secrets. As in other sovereign States, our army, wherever sationed within our borders, is intended for the defence and security our land and our people. Our people in Kashmir have nothing to fear from their own army. Indeed, aggressioin in Kashmir, by Pakistan on the onw side and the People's Republic of China on the other, comples ut to take adequate measures in self-defence. This is exactly what the late. Mr. John Strachey, Member of Parliament, from whose communication to The Observer I quoted in my earlier statement felt about our action.

I do not want to go again into the question of the Calcutta riots. I have already dealt with it. But it is totally false to suggest that the landlords have been allowed to make profit out of the property of Muslims which was burnt down. Both the Chief Minister of West Bengal and our Home Minsiter have made it clear that no one will be permitted any benefit by the troubles and misery which has been suffered by our Muslim fellow citizens. The Home Minister went further. that, if necessary, even the Constitution would be changed to prevent landlords from making money out of the misery of the poor. Already the West Bengal Government has promulgated an ordinance to deal with this situation.

The Summing Up

To sum up, Pakistan came to the Security Council on tow specific charges. One was that we were trying to "integrate" Kashmir further into Inda, and the second was that there is a grave situation in Kashmir which called for some action by the Security Council. In the submission, the Foreign Minister of Pakistan has failed to subsantiate either of these allegatioins, and therefore there is nothing before the Council on which it need take action.

In conclustion, may I end on the same note that I did in my earlier statement ? These recriminations, this unennding debate, this making and answering of charges lead us nowhere. We are prepared to discuss all our outstanding differences with Pakistan, including Kashmir, once the bitter feelings and the communal passions have subsided. Pakistan can help in this by eschewing propagnada at home and abroad and by taking every measure to prevent incitement to communal passion in its press and on its radio. I wish to assure the Foreign Minister Pakistan, with all the emphasis at my command, that Pakistan has nothing to fear from India. We have no aggressive intentioins. We feel that in the prosperity of Pakistan lies this prosperity, both of India and Pakistan depends upon Hindus and Muslims in both the countrys living peacefully side by side. Let us made very effort to come together and see whether we cannot take the necessary steps towards this end. This is essentially a matter for us to decide—Pakistan and ourselves. No intervention of a third party can be of much help. There are certain matters which can only be settled bilaterally, and the question of communal peace and harmony in India and Pakistan is one of these.

(10 February, 1964)

Mridula Sarabhais' Statement

The sudden repressive steps taken against me by the Jammu and Kashmir State authorities on the 7th instant have naturally aroused many questions and therefore I owe it to the nation to tell them facts as are known to me.

As usual, on the 7th February morning, togerther with legal defence counsels, I had gone to the Court of the Special Magistrate enquiring into the Kashmir Conspiracy Case. There we larent that the case had been adjourned to the 14th of February 1961 due to inability of the police to bring back the 6 common accused from Srinagar because of bad weather, After the defence cousel had finished their work with the concerned authorities at about 11 a . m., we were on our way to the legal defence lawyers residence where I was staying. Just as we came out of the Court Compound, S. P. Nanda stopped me and said that he had to serve me with an order of detention. On my insistence he read out the order which said that I was to be detained under Section 3 (1) (a) of the Jammu and Kashmir preventive Detention Act and was to be lodged in the Additional Police Lockup, Police Station Sadar, Jammu and Kashmir which is normally known as the Interrogation Centre. He would not agree to be via my residence to enable me to collect my belongings and therefore he took me direct to the place of detention. To my utter surprise it was a bungalow, occupied by a department of the Government of India and there had been no previus preparations to lodge anyone. So I came to the conclusion that this was a sudden and sporadic decision of the authorities.

At about 4-30 S. P. CID,Shiri Badri Nath came there and asked me to accompany him. Naturally I asked for written orders as under the law he had no authority to take me out of the detention place without giving me another order to the effect. The Superintendent of the Special Jail, Sardar Boota Singh, was also there. I did not see him adopting the usual procedure that is followed when the Superintendent hands over the detenue to the police. When I inisisted, they said that unofficially they were informintg me that the detention order had been revoked and I was to accompany the police officer who was to take me to the border and then serve me with the Externment Order. None of these two officers showed me any order. This was all oral. Naturally I refused to oblige them unless a written order was shown to me. So they went out to consult their higher authorities. During this period I wrote out a letter to Bakshi Shaeb bringing this to his notice and requesting him to :

(1) either personally check up facts from me before taking such step; or

(2) give me an opportunity to consult Vinobaji and seek his direction.

> "As the step taken against me is neither in 'national interest' nor in the interest of the State. Hence this sincere request to reconsider the whole unfortunate affair." I also stated that the question of Satyagraha did not arise at this stage because as a Shanti Sainik I had to first refer the matter to Vinobaji and await his directions.

At 6.45 p. m. both the officers returned when I gave them the letter and requested them to immediately deliver the same to the Home Secretary who would do the needful. I also further explained to them that if the authorities wanted to extern me, then they had any of the following alternatives:

(1) To release me in Jammu and serve the order. In that case the authorities cannot come in my way as to

where I first go. They are concerned only with the fact as to whether I comply with the order or not. If I do not, then they can arrest me and take all measure.

(2) Take me to border as a detenue and seve me with the order of release and externment.

(3) Re-arrest me, take me to the border and extern me.

They said they could not take the letter immidiately to the Home. Secretary but agreed to convey the contents to their highe authorities. So they again went to do this.

At about 7.45 p.m. the S.P.. CID, Shri Badri Nath came over with an oral proposal stating that "it was forme to decide as to wheter I wanted to be a kept in detention or voluntarily accept the Exterment Order in the form of accepting the offer of the Government to supply me with facilities to go upto the border and accepting the externment order. I was surprised at this fantastic proposal. I asked him to read my letter to Bakshi Saheb which made it clear that without consulting Vinobaji the question of 'Satyagraha' did not arise but I shall not be a willing party to illegal procdure that the Government were follwoing for two reasons. They are :

(1) I do not accept that the Gvoernement has a right to extern me without telling me the reason and finding out the truth;

(2) after Independence I was the first women in the state to be detained and externed for political reasoins. In case of men, we have had bitter experience of their being taken away from detention camp or prison without written oders and how they had been subjected to msot barbaric cruelties including pushing across the cease-fire line and declared as 'escaped', etc. Some have also been killed. In case of women, worse could happen if in my case I allowed a precedent to take place.

So with regret, I said, that I could not accept what they were proposing since 4.30 p.m.

Then the D.I.G. CID went back and returned at about 8.45 p.m. with an oral order that he had orders to coney to me that the detention order had not been revoked. He, as a police officer, would take me to the border and serve me with relase and externment orders. However, he did not show me any written order.

At about 12 midnight we reached Lakhanpur-Madhopur Bridge where the written order for externment was served on me by S. P. CID. Shri Badri nith. No order revoking the detention was either served or showed to me. The externemnt Order of the Government of J&K State reads as follows :-

> "Whereas the Government are satisfied with respect to Miss Mridual Sarabhi daughter of Shri Ambalal Shrabhai, Sarabhai Chemicals, Ahmedabad and 81/48 Diplomatic Enclave, New Delhi, at present staying at Jammu that with a view to preventing her from acting in any manner prejudicial to the Security of the State it is necessary to do so;
>
> "Now, therefore, in exercise of the powers conferrd by clause (c) of sub-section (1) of section 4 of the Jammu and Kashmir Public Security Act, Svt. 2003 (XV of 2003), the Government hereby direct that the said Miss Mridula Sarabhi shall forthwith remove herself from and shall not return to the Jammu and Kashmir State.
>
> "The Government further direct that this order shall be operative for a period of one year.

From the State border to Pathankot railway statioin, these officers were good enough to give me their own transport for which I am thankful. All throughout this unfortunate event the officers showed exterme courstesy and goodwill.

It has been a puzzle to me as to what led to this sudden order. In their Press Note in reply to the press note of the Legal Aid Committee of Delhi, the State Government have also stated I have been helping in the legal defence of the accussed in the State and have cited this as a proof of facilities for the defence being extended to the accused. So it is clear that the State authorities were well aware of my activities in connection with the legal defence of political cases in the State. Then what had happened ?

Before I gave any view and come to any conclusions, it is but fair to the athorities here and in the State that I place before them the whole unfortunate and regrettable episode and request them to make a through enquiry into facts that have been given to them and also find out me the other side of the story.

I need not state that the sections under which orders have been issued raise a bigger moral question for me. As a Shanti Shinik of Bapu's corps and now even though functioning individually, yet accepting the lead of Vonobaji in such technical matters, I owe a duty to place facts before all those who tust me in and out of the Government and to the nation who have given me their confidence and goodwill. The order is an insinuation against me of dual code of conduct which I have never konwn or done. Hence my effort is and will be to knock at the door of all concerned and plead with them for intervention.

New Delhi.

February 9, 1961. Mridula Sarabhai.

Protest by Gen. Secretary, all India Civil Liberties Council

"Arrest of Miss Sarabhai"

Mr. R. V. S. Mani, General Secretary of the All India. Civil Liberties Council issued the following statement to the Pess :

> "It is greatly distressing to note the manner in which Miss Mridula Sarabhi was arrested under the Jammu and Kashmir Preventive Detention Act on Feb. 7 and then externed on the same day by an oder Section 4 (1) (c) of Jammu and Kashmir Public Security Act from the State for one year.

> "It was known that Miss Mridula has been organizing legal aid for the accused in the Kashmir Conspiracy Case. She has also been circularizing the proceedings of the case to members of the press andthe public. It passes ones comprehension as to how such lawful activities on her part were construed as prejudicial to the security of the State or the maintenance of Public order.
>
> "The action of the Kashmir Government under the circumstances, is liable to be condemned as a diabolical assult on the civil liberties of an Indian citizen. The Kashmir Government, therefore owe an explanation to the people for her arrest and externment on the ground of alleged prejudicial activities. In the absence of a satisfacory explanation the Kashmir Government would be well-advised to withdraw the order at once in all fairness and in good grace."

—The Hindustan Times,
Feb. 16, 1961.

Protest and Petition by 'Accused'

COURT PROCEEDING IN THE KASHMIR CONSPIRACY DATED 16-2-1961 IN THE COURT OF SHRI N.K. HAK, SPECIAL MAGISTRATE, JAMMU.

To-day when the hearing of the Kashmir Conspiracy Case was resumed in the Court of Special Magistrate, Jammu,the accuesd present in the Court protested against the arrest and externment of Miss Mridual Sarabhai and submitted to the Court a Petition to this effect. The court obaerved that though thematter was not of its concern, yet it would look into it.

Petition

"With a view to make a fresh attempt to secure ends of justice and ensure an atmosphere conductive to a jsut and fair trial, the petitioners submit as under :—

1. "Ever since the institution of this Case, hurdles and

obstacels were created in the way of our proper defence. Unfortunately this practice continues unabated.

2. "Recently this high handedness has manifested itself in the arrest and externement of Miss Mridual Sarabhi. She is a valued friend and worker solely doing legal work in connection with our defence. Even since the institution of this and the Hazratabal Cases, she had been rendering invaluable service to the defence in securing layters, legal advice etc., both in this and the Hazratbal Case. But for her timely assistance, the accused may well have been often deprived of legal aid.
3. "Early this month she had come to the State in connection with the said two cases, but due to the suspension of air and road traffic, she was stranded up here.
4. "On 7-2-1961—date of hearing fixed for the Conspiracy Case—the accused were not summoned to the Court, the hearing was adjourned and intimation coneyed to the accused in the jail.

"Menwhile, Miss Mridula, in ordinary course, had come to attend the proceedngs. She was arrested around the Court permises under Preventive Detention Act. She was then taken to the Satwari Interrogation Centre. Later in the evening, however, she was driven to Pathankot by D. I. G. Police and an order of externment was served on her. Her entry into the State has been banned for one year, without intimating to her any grounds thereof.

"This fresh instance of high handedness has given a serious jolt to our defence arrangements. There is not a single instance in her activities which the Government could characterise as illegal by even the most arbitrary standards—hence the Government's recourse to this law-less Law which in our unfortunate State is a relic of the last World War.

"However, this action of the Government virtually tantamounts to deny us necessary facilities to defend ourselves, as Miss Mridual Sarabhai's activities were solely confined to our defence. In that view of the matter, more honest attitude would have been to frankly so tell the accused.

5. "The accused have suffered same victimisation ever since the Hazratbal and Conspiracy Cases were instituted against them. M/S. Ghulam Mohammed Shah, Abdul Ahad, lawyers, Abdual Ghani Mast an assistant to our defence Counsel were arrerest one after the other, as they took active interest in our defence. Mr. Abdur Rehman who was carrying Court documents to our London solicitors was arrested, searched, detained and interrogated. These and similar instances of obstacles and hudles created in our defence have been brought to your notice from time to time.
6. Free and calm atmosphere as well as equal and just opportunities for the conduct of criminal case are the fundamental rights guaranteed under the Constitution. But the series of harrasments, victimization, arrests and detentions etc. of defence Counsels and those connected with the defence is completely denying that right to us. This has made our defence well-nigh impossible.

"While strongly reconrding our protests on this attitude of the concerned authorities, we pray that effective action may kindly be taken to end the said victimisation and harrassments."

Special Jail, Jammu.
Dated : 12-2-1961.

Petitioners.

Sd. 1. S. M. Abdullah
Sd. 2. M. A. Beg.
Sd. 3. Soofi Mohd Akbar
Sd. 4. G. Q. Beg.
Sd. 5. Pir M.A. Makhdoomi.
Sd. 6. G. M. Shawl.
Sd. 7. G. M. Chikken.
Sd. 8. Kh. Ali Shah.
Sd. 9. G. M. Shah.
Sd.10. Nazir.

Press Atatement

"................it would be agaisnt the public interest to communicate to the said Miss Mridual Sarabhi the grounds and the particulars on which the restriction order has been made."................Claims the Government of Jammu and Kashmir in their order dated 16th February 1961 with regard to my request to Bakshi Saheb to re-assess facts with cooperation of Vinobaji and help me to understand as to how I have acted in a way that justifies arbitrary action of detention and then externment from the State on 7th February 1961.

"On 16th February as soon ast the Court proceedings started that a break of 28 days i.e. from 19th January to 15th February 1961, Sheikh Mohammed Abdullah and others—undertrials facing an inquiry in a case called the Kashmir Conspiracy Case—filed a petition of protest agaisnt my externment. Besides other things they stated that;

> "Recently this high handedness has manifested itself in the arrest and externment of Miss Mridula Sarabhai. She is a valued friend and worder, solely doing legal work in connection with our defence, Ever since the institution of this and the Hazratbal Case, she has been rendering invaluable service to the defence in securing lawayers, legal advice etc,. both in this and the Hazratbal Case. But for her timely assistance, the accused may well have been often deprived of legal aid.
>
> "Free and calm atmoshphere as well as equal and just opportunities for the conduct of criminal cases are the fundamental rights guaranted under the Constitution. But the series of harassments victimization, arrests and detentions with the defence is completly denying that right to us. This has made our defence well-night impossible.
>
> "Whle stronly recording our proests on this attitude of the concerned authorities, we pray that effective action may kindly be taken to end the said ictimivzation and harassmetns."

The prosecution filed a rejoinder to this on March 6, 1961, just before the court adjourned for over 2 weeks and as per newspaper reports the prosecution appears to have said that :

Under Head Line "Conspiracy Case Examination of Accused Ends," Hindustan Times, New Delhi State :—

> "The Special public prosecutor, Mr. Nanda today filed a rejoinder to application of the accused on Feb. 16 protesting against the externment from the State of Miss Mridual Sarabhi. He submitted that the action of the State Government in externing Mas Sarabhai was entirely unconnected with the present inquiry. It is not conceivable how her presence was necessary at Jammu for purposes of defence at this stage.
>
> "No action was taken against any person on account of his association with the present case. The charge of victimization is baseless and imaginary", the prosecution counsel added.
>
> March 7, 1961

The above dates are significant as they clearly show the malafides of the prosecution. They filed a rejoinder at such a time when the defence could not reply back because of long adjournment that had taken place.

Friends advise me to take legal redress. The Public Security Act debars cours from dealing with cases on merits. Hence my search for turth to understand what has led to this action cannot be achieved by legal approach.

It is true that this stand of the State Government, although regretable, is not surprising. It is one of the relics from a foreign government and its imperialistic traditions—a little forgetting that it was such high-handedness that generated a movement of liberation against them. That other States in rest of India or even the Union Government occasionally do the same, is no solace. It is bad, bad in every sense of the word. Time has come when public conscience against this has to be assertive. Those in political parties may not care. They may not suffer from the consequences of such a treatment towards them because they fling the same against each other. But what about non-party public workers or even ordinary citizens who become victims of allergies of some in power and who have no powerful organisation to fight for them ?

As a 'Shanti Sainik' I yet await an opportunity to consult Vinobaji to find ways and means but meanwhile it is necessary to place before the bar of public opinion the salient points that arise out of the attiutde of the authorities concerned. They are :

(a) The State Government has refused to give reasons or grounds under the plea that it is "not in public interest."

(b) Under the Public Security Act legal relief on merits is not possible as the powers of courts are curtailed.

(c) A new precedent had been created by the claim of the State authorities that action against me "does not effec the defence of the accused." It is queer of find the prosecution giving opinion about the needs and requirements of the defence.

(d) The accusd have protested against this action agaisnt me. The accused in the Hazratbal Case, who are all out on bail, held a meeting and protested against my externment.

(e) Many a statutory law, which appeared to be out of tune with the spirit of Indian Constitution have been put into cold storage in rest of India. In this context allowing resurrection of such laws in Kashmir calls for mobilisation of public opinion against it. In the Kashmir Conspiracy Case the prosecution has involved about 130 or more as co-conspirators. I am also included in this lilst. Co-conspirators have no right to defend themselves or cross examine the witnesses or be represented by the lawyers in the Court. So frankly stating it is blackmailing of the citizens by the prosecution. There is no legal proteciton against it nor can the citizens seek court protection. As such arranging defence in cases becomes as much my own defence as of the rest.

(f) The prosecution is repored to have stated that "It is not conceivable how her presence was necessary at Jammu for purposes of defence at this stage........" It would be worth noting that the case has now reached arguments stage and when the prosecution is mobilising all its forces and resources to flash their side of the story they have the audacity to decide about the needs of the defence. Moreover, It is well known that I am also dealing with publicity section of the legal defence. Hence if for prosecution the coming proceedings are an event for mobilisation of lawyers then why it is not considered to be necessary for the defence '**at this State'** ?

(g) Detention and externment on the ground of "preventing her from action in any manner prejudicial to the **Security of the State** and then subjecting me" also to persecution does result in handicapping organising legal defence activities in a fearless atmosphere.

(h) This technique has developed chiefly due to the faulty system of Intelligence the the country suffers from. It has created a new class of fraudulant elements in the society which flourish on myths and werknesses of administrators and blackmailing of thise who dareresist and challenge their supermacy.

So, for all practical purposes this order has to be taken as an attack of the State authorities on legal defence work and an indirect way of frightening the nation from supporting this activity through service, funds and other resources. It is a direct challenge to the principle of presumption of innonence on which our jurist system is bulit up in the rest of India.

The consequences of this order against me are not only personal but have had deep repercussions in the State as well as in the legal defence activities in India. It has given a set back to the marked and welcome change in governmental policy that was apparent during the last six months and had created hopes that their allergy to legal defence, reporting of defence proceedings in the press and otherwise had disappeared and as in rest of India they are prepared to allow unfettered legal defence activities which are : re-establishment of a free fearless atmosphere to enable the accused standing their trial and otherwis to get befefit of presumption of innocence in treatment to them and for this end to provde for (a) legal defence to the accused and relief and care of families (b) collection of necessary funds, and (c0 wide publicity to the proceedings of the cases and allied subjects. It is well known that none of this can be achieved if those engaged in organisation of legal defence are themselves made targests of persecution and repression and those who associate with them are also subjected to the same treatment.

Unfortunately for the accused in the Kashmir Conspiracy Case, the Hazratabal Case and others, the authorities also involved all those who were in charge of organising the legal defence work. I have also met the same fate in 1958-59. Hence against tremendous odds we try to steer through the legal defence activities in a way that would develop goodwill—though in fact we are specialising in dealing with working conditions similar to those of a political and social ostracization. Yet, however, we do not complain because we have been confident that sooner or later we will be able to convince all that what we have beein doing is basically in national interests.

So, at the bar of public opinion I plead for extending the same policy that we sometimes see prevailing in the rest of India. If in other states such events are not allowed to be made "prestige issues", then why in this case hesitation to find out truth and redress the matters in time ? The next few months are crucial in the proceedings of cases when disabling any worker of the Legal Defence Committee definitely hits hard on the defence arrangements. But more than that for me this has become a very serious matter. It amounts to jeopardizing my fundamental right to work for legal defence and making it difficult for me to function as a Shanti-Sainik for national and emotional integration activities. In an indirect way it is also prejudicing my vocational career as a journalist.

.In this all in national and public interest ? I, therefore, humbly request leaders and the moulders of public opinion and the press to extend their support for a fair deal in this epsode.

14the March, 1961. Mridual Sarabhai.

"A Legitimate rihgt "

"Bhoodan's* Editor's Comment on externment order"

"Miss Mridual Sarabhai has been a well known figure in the public life of this country. She had been an ardent fughter for national freedom. Lately, her name has often appeared prominently in connection with the unfortunate sffairs in Kashmir, following the depossition and arrest of Sheikh Mohammad Abdullah, former Prime Minsiter of Jammu and Kashmir. She has been actvely associated with the legal defence of Sheikh Abdullah and his colleagues.

"While on a visit to Jammu in connection with organizing legal aid for the accused persons in the Kashmir Conspiracy Case, Miss Mridual Sarabhai was detained on Feb. 7 last under the Jammu and Kashmir Preventive Detention Act and was, later on the same day, externed from the State for a period of one year. While makiang it clear that we are in no way concerned with one or the other side of the unfortunate affair, we nonetheless, feel that by refusing to disclose the grounds and the particulars on which the resitriction order has been made against Mridula Behn, the Government of Kashmir has not only denied the legitimae right of a citizen in a democratic state to know the reasons for any restrictions imposed on his or her movements but have also weakened their own case. To use the stock phrase that it would be against the public interest to disclose how Miss Mridula Sarabhai was 'acting in a manner prejudicil to the security of the State' would hardly prejudicial to the security of the State would hardly convince any body. We think it is the 'Public interest' itself not to use the plea of 'public interest' too often for keeping back information from the public. The public should be trusted to know its own interests better. Perhaps the disclosure of the grounds would have helped the Government of Jammu and Kashmir in mobilizing public opinion in its own favour. We hope the Government of Kashmir would do so even now."

—25th March 1961.

Reply by 'Accused' to Prosecution's Rejoindr

IN THE COURT OF SPECIAL MAGISTRATE, JAMMU STATE VS MIRZA MOHD. AFZAL BEG & OTHERS.

"The petitioners application under reference to the arrest, detention and externment of Shrimati Mridula Sarabhai, who as a friend is solely connected with our defence arrangement............as the prosecution and the Govet. very well know. But in their rejoinder the Prosecution, true to their habitual practice, have dragged in all extraneous and irrelevant matter—such as "Interviews and consultations" which the accused are alleged to have had, "their high official positions." Some of the accused being "experienced and talented lawyers." "Sumptuous allowances" thata acaused are alleged to receive; Sheikh Mohd. Abdullah "having acquired legal knowledge by tirtue of having been the Prime Minister of Jammu and Kashmir State, and the accused being free from worry" etc. etc.

"On the face of it, all these maatters, so sedulously pushed intothe rejoinder, have nobearing whatever on the issue raised by the petitioners—paras 1. As earlier submitted, the prosecution has deliberately taken to this practice in order to use this forum for misleading world opinion. In the present instance they have taken more than two weeks to collect all the said extraneous stuff with that end in view.

"The accused-are constrained to answer in some detail the points raised in the rejoinder so as to place before the Court the gross exaggerationa and mis-statements made therein. The petitioners hope and pray that Court will kindly take adequate measures in this matter.

"Actually, the prosecution was no party to the petitioners' prayer in the said application which referred to the arrest of

Smt. Mridual Sarabhai in consequence of Government action.

"However, the petitioners made the following reply to the learned public Prosecutor' said rejoinder parawise.

1. "The Prosecution state that Miss Sarabhai has been named "as co-conspiratior in the present case." It seems that they have thus unwillingly given out the policy and the practice that the Jammu and Kashmir Government have been following in this case of arbitrary arrests, detention and externments of those whomthe Prosecution here dubbs as co-conspirators. Such actions of dubbing our friends and sympathisers as co-conspirators, as well as their detentions or externment are arbitrary and despotic, out-side the pale of judiciary, executed as they are under the lawless law of Preventive Detention Act or the Public Security Act on the will of the Government or the police.
2. "The Prosecution has indulged in a mis-statement. They allege that Smt. Mridual Sarabhi has been externed from the State for a period of 4 years. The orders of externment served on her actually bars her entry into the State for one year only. May be that this lapse on the part of the prosecution is due to the reason that wish is the father of thought. Does the Prosecution want the Government to extend the order for 4 years ?

"By implication the prosecution admit that no grounds were served on Mridula Sarabhai for any alleged "prejudicial act" in fact, even on her subsequent request to the Kashmir Government no rasons whatever wre disclosed as to why this high-handed action was taken agaisnt a respectable citizen of India, who has an unquestionable record of Public service both in the National Congress as well as in the freedom struggle of the Country. Once again, the petitioners emphasise that her activities were exclusively confined to legitimate work of defence arrangements in this case. It is this which the Government could not tolerate—hence recourse to the repressive law of public Security Act. Otherwise the Government would have frankly come in for fair and open Judicial trial against her.

3. "The issue raised by the petitioners is how the arbitrary arrest and externment has jeopardised the defence work of the accused and it is their legitimate right to seek proteciton from the Court. The Competence of the Government under an emergency arbitrary law is besides the point.

4. "The allegations made by the Prosecution in this para are again not only extraneous but also confusing. Even if all the statement u/s 342 Cr. P. C. had been completely recorded, the assistance that Smt. Mridula Sarabhai was rendering to the defence can with no stretch of imagination be said to be unwanted or unnecessary nor can it, therefore, be rightly asserted that her presence was unnecessary here for defence, as the Prosecution seeks to make out. There are more important stages yet to come in this inquiry where her assistance was much needed for defence arrangements and that is what the Govenment has fore-stalled by the said order.

5. "The allegations that the accused "are making groundless and wrong charges—with a view to prejudice public opinion" is only entirely baseless, but actually the boot is on the other leg. The petitioners have made out above how the prosecutioin is pumping into the Court petitions groundless, irrelevant and extraneous matter with a view to provide material for misleading world opinion and carry a false and slanderous propaganda against the accused. Their present rejoinder is an irrerutable instance of the same, otherwise there is undoubtedly, no relevance about the alleged "sumptuous family allowances" with the issue of externment of Mridula Sarabhai. Undeniably, since the world has to be made to believe that the petitioners are living a care-free life and enjoy fat allowances, this stuff has been thrust into the rejoinder.

6. "The petitioners have, it is true, pointed out from time to time what "hurdles and obstacles in the way of proper defence" the agency behind the Prosecutioin is

placing in their way. Unfortunaltely due largely to the failure of getting redress and due to the Government's persistant persecution of this policy, the petitioners have over and again to bring such fresh event to notice. Mridula Sarabhai's example is a case in point.

(1) "In this sub-para, the Prosecution have named about a score of advocates, lawyers and barristers, alleged to be engaged in the defence of this Case. The assertion is mischievous in effect. The prosecution and the Court know very well that the except Mr. Mohd. Latif Qureshi, no lawyer has or could conduct our defence during nearly 3 years of this inquiry. In fact, amongst others, Messers Rawal, Wani and Ghulam Nabi could not even appear in this case after the avenue was shifted from Kud to Jammu. All the rest who actually took up the defence effectively have not and could not more than once or twice put in their appearance during the proceedings of this enquiry. Mr. Dingle Foot. Q. C., no doubt had consultations with usonce in 1559 and once in 1960. Similarly Mr. Shamsul Hassan met us for Consultations about a couple of times during these yeas.

"Mr. R. N. Balgotra never appeared on behalf of the petitioners in this case nor has he had ever any Consultations or interviews with us. This is a clear isntance how Prosecution is nventing facts to deceive world opinion.

"In 1959, Mr. G. M;. Shah, B.A.L.L.B. was assisting the defence here. Soon after, he was arrested and detained for a period of one year. Mr. Ghulam Rasool Kochak, M.A.L.L.B. came here in 1959 for defence purposes but on health grounds had to return to Kashmir whre he was arrested in 1960. He is still in Jail under Preventive Detention Act. Mr. Abdul Ahad B.A.L.L.B. was arrested at Sopore while he was about to leve for Jummu in connection with our defence. He is since involved in a Criminal Case, and has thus been debarred for coming over to Jammu for our defence during the last years except for a few days in last January. Sardar Amar Singh advocate's single instance will show what "facilities" the petitioners are having in the matter in the matter of getting access of consultations with lawyers.

"On 20-3-1961, Sardar Amar Singh arrived Jammu for important consultatioins with some accused. At 9.30 A. M. he approached the Jail authorities for permission but was asked to contact the Special Magistrate. On enquiry the latter was not in his residence nor in the Court—the Court being closed.

"The Court Reder refused to take the Sardars application for interview. He over and again attempted to contact the Magistrate or to persuade the Jail Superintendent—but each time had to go from pillar to the post, till 4 p.m. when the Jail Superintendent finally agreed to give him the permission. This is a treatment meted out to an advocate of the Punjab High Court—obviously he is interested in our defence.

"Generally, either as a result of wide spread harassment, arrest or other forms of victimisation or due to the facts of venue being fixed here in Jammu—200 miles away from Kashmir—our lawyers, friends and relatives have sufficiently been scared away or rendered unable to take up our defence effectively. The Court's own record will conclusively show the names of lawyers who have been actually conducting our defence at Jammu.

(ii) "As regards the assertions of "facilities" about "Consultations, conference and interviews" granted to the petitioners in the Jail, the real story is revealed in Sheikh Mohd, Abdullah's application dated 28-10-58, and 15-12-28, submitted to the Cout, as well as by other petitions submitted from time to time. The impedimens created in the way off interviews were so severe that the accused were Constrained to seek the intervention of Prime Minister of India, after having failed to get redress locally. Extracts from Sheikh Mohd. Abdullah's letter to the Prime Minister, on the subject, are enclosed herewith. These references will clearly show the amount of exaggeration and mis-statements in the Prosecution assertions.

"As submitted earlier, this enquiry is being held about 200 miles away from the residence of all the accused except Mir Mohd. Nazir who belongs to Jammu but his whole family and relatives are residing across the border. The long distance between Kashmir and the venue of this Court, hasardous journey, undependeble communications which are frequently interrupted both in summer and Winter and heavy expenditure involved, have rendered it well-nigh impossible for our friends, sympathisers and relatives to come down for interviews here, or otherwise help in our defence. Seldom, however under the stress of circumstances our relatives or friends, have had to undertake the hazardous and expensive Journey to this place. During the last three years—since the institution of this enquiry—Begum Sheikh Mohd. Abdullah could come only twice to interview her husband. Road traffic having broken down, she had to face considerable harassment and physical inconvenience in securing air transport for over a week, when on the intervention of the General Managar of the Indian Air Lines at Delhi she succeeded in getting a seat in the plane. The strain and pressure confined her to bed for nearly a month. Mr. Mirza Mohd. Afzal Beg has not been able to interview his wife and ailing child since his rearrest in 1956. Mr. Mohiud-din Shawl's wife was staranded up in Banihal for a week, due to the break down of road traffic.

"Apart from frequent break down of traffic the travel on Jammu and Kashmir Road is so dangerous and harzardous that not unoften it has led to fatal accidents for the travellers. Mr. Ahdul Ahad Butt one of our friends from Srinagar was, in 1959, travelling down to this place for an interview with Sheikh Mohd. Abdullah and other. Near about Ramban his Vehicle slid into a deep gorge, hundreds of feet down the road and the poor man met with an instantaneous death. Mr. Hazir Ahmad, Shekh Sahib's nephew, who was also coming for intervew had a miraculous escape, but the vehicle was smashed to pieces. The Road is a virtual death trap particularly in the inclement' weather. The effect of this factor alone on the frequency of interviews with our friends or relatives and consequently on the assistance by them in our defence is, therefore, abvious. It is, perhaps, with a view to gian this objectve that the Prosecution deliberately, but to our misfortune successfully, opposed our efforts to have the venue fixed at Srinagar.

"Men of outstanding and unquestionable Public position were arbitrarily refused permission for interviews. The cases of Shri Jai Narain Vyas, a well known Congress leader and ex. Chief Minister of Rajasthan, Master Tara Singhji, Pt. Kashap Bandu, ex-Director General Kashmir State, Miss Mridula Sharabhai ex General Secretary National,

Congress, Shri Om Prakash Saraf and Shri Balraj Puri, Secretary Praja Socialist Party ar instances in point. It has been the common practice on the part of the concerned authorities to dissuade our friends from interviewing us. Where persuasion failed force was resorted to. The case of Shri Balraj Puri is well fnown and has even loomed large in the chambers of Indian Parliament. He was dragged out of the Court room by order of the Inspector General of Police, the complainant in this case, was put under arrest beaten and fianally pushed out of the Court premises for the only crime of having accosted Sheikh Mohd. Abdullah. The fate of less important persons seeking interview can better be imagined than expressed.

"The Government have declared the Court to be an open court. Therefore, anyone interested can attend and watch the proceedings, although owing to Police harassament to which the accused drew your honour's attention number of times, hardly any visitors attend the proceedings. However, be it as it may, the accused can not help in responding to the greetings of any casual visitor to the Court. To call such occasional "How do you do" as "Consultations and confernces" it to stretch the argument too far.

(iii) "The instant case being political in nature is of tremendous significance for the entire subcontinent and attention in the outside world too. The conduct of the case, therefore, is a matter of great interest and general conditions of civil libeties and Rule of law in the State have touched deeply some eminent citizens of India like Sir C. P. RamaSwami, Sir Sultan Ahmad, Shri Rau, Shri Khanna, Kh. Abdul Majid and Shri Porus Mehta. They have formed themselves into a Legal Aid Committee with a view to attempt to bring about respect for law and constitutional and human rights in the State. This is expected to help secure a fair trail for the accused in this case also. The Prosecution has however, also included the above named defence Counsels—can there be anything more ridiculous ?

(iv) "Some of the accused on doubt are lawyers—though out of practice—and confined to prison life for years now. Sheikh Mohd. Abdullah has been a Prime Minister of the State for some years but to presume from this that he "has acquired legal knowledge" or because some of the other accused have also experience of magistracy or have held other offical positions and therefore now need no assistance and legal help from outside to defend them in this case is a far fetched assertion on behalf of the Prosecution besides having no relevance to the point at issue.

(v) "It is a fact that His Lordship Chief Justice of Kashmir very kindly gave some volumes of A.I.R. and some text books to the accused, which they gratefully acknowledge. But in a case like the present one this can hardly be said to be adequate.

"The building which is now named special Jail was an ordinary go-down for storing kuth. This go-down was renvoated by partitioning the two big walls into various rooms and a varandah was added in the front with a tin roof without ceiling which turns into a hall like oven during summer. These big halls were fitted with doors and windows. The Jail is infested with snakes and scorpions. Last year the accused killed as many as a dozen poisonous snakes from within the compound and their rooms. When the accused were first brought in, the ground within the Jail was full of rubble and wild growth of grass and trees etc. The accused had to do a lot of hard labour to clear the ground and to give it some shape. There is only one single worn out carpet in one of the rooms and the others are either bare or provided with patches of ordinary Durries. The accused had to purchese Namdas at their own cost to ward off the cold. In view of the above facts it is gross exaggeration on behalf of the prosecution to assert that the accused "are housed in decent well furnished rooms with complete reading and writing equipment" and that "they have every facility to study their case."

(vii) "The prosecution contend that the "accused are absoutely free from worry" and are "allowed sumptuous allowances." It is submitted that most of the accused have not received till now the amounts shown against their names by the prosecution. Besieds this, the question of family allowances has no relevance to the arbitrary arrest and externment of Smt. Mridula Sarabhai.

7. "It is a fact that the Govt. and their police which are behind this Prosecution have ever since the Coup of 9th August, 1953, inflicted wide-spread hardships, victimisation and oppression on the relatives, friends and sympathisers of the petitioners. This practice was intensifed sicne the institution of this and Hazratbal cases. Arrests and detentions under Preventive Detention Act, etc., involvement in farbicated cases and illegal protraction of such cases and torture in the Central Interrogation Centres etc., are some of the forms which this victimisaiton has taken. Free and frequent use has been made of these forms of victimisaitoin by the Prosecuting agency to prevent our friends and relatives from helping our defence. The Democle's sword of the law of Preventive Detention Act, which deprives a citizen of human liberty for a period uoto 10 years without trial or judicial warrant is always hanging over their heads. Even today scores of our friends and sympathisers like Haji Mohd. Isaq, Ghulam Rasool Kochak, Sadruddin Mujahid, Hissam-ud-din Bomby, Ghulam Ahmad Santoo, Abdul Gafoor, Mohd.

Khalil Jawhar, Pir Gul Shah, Ghulam Qadir Shahbaz, Abdul Gani Masta and Mohd. lawed etc., are suffering the agony of detention under this lawless law. None of them has even been informed about the ground of his arrest. Their "crime" is that they are our sympathisres, and stand for the self-determiniation for the people of Kashmir.

"In regard to Messers G.M. Shah, Abdul Ahed and Abdul Gani Mast's arrest submission have already been made. It is incorrect and baseless to attribute prejudicial activities to them. They, however, are our sympathisers, dedicated to the cause of self determination, Mr. Shah is closely related to Sheikh Saheb.

"Reverting back to the original petition, the accused pray that the Court may be pleased to take necessary action to protect their legitimate reights and give necessary relief in regard to matters sumitted hare."

Special Jail, Jammu.

27th March, 1961.

Sd. 1. S. M. Abdullah.
Sd. 2. Mohd. Afzal Beg.
Sd. 3. Kh. Ali Shah.
Sd. 4. Soofi Mohd. Akbar.
Sd. 5. G. Q. Beg.
Sd. 6. Pir M. M. Yalgami.
Sd. 7. G. M. Chikken.
Sd. 8. G. M. Shaw.
Sd. 9. G.M. Shah.
Sd. 10. Pir Abdul Gani.
Sd. 11. Mistri Nazir.
Sd. 12. Pir M. A. Makhdoomi.

Letter to Prime Minister of India

Extracts from a letter written by Sheikh Mohammad Abdullah to Pt. Jawaharlal Nehru Prime Minister of India on 5.3.1959, as referred to in "Reply by 'Accused' to Prosecution's Rejoinder."

"In your last letter to me you hoped and felt sure that my lawyer will be given full facilities to carry out his work propely. Earlier, when I was first produced before the Court here, I asked for and obtained sumilar assurrances from the presiding Magistrate that all the facilities necessary for a fair trial would be afforded to me. Unofrtunately as things have turned out these hopes have not materdaliz.

"As things are, I had to face serious difficulties in finding as suitable Counsel finally when on the advoce of friends like Sir Sultan Ahmed and Shri Jai Prakash Narain, I did select one Shri Negashwar Prasad of patna and while. I was making an attempt to arrange some sort of accomodation for him here in Jammu and waiting for the case to make a real start, the Government through whom all my correspondence naturally passed and who were therefore aware of my having selected him, engaged the very same lawyer for the prosecution.

"I sent for one of my workes, Abdul Ahad of Sopore (Kashmir) a young law graduate, who had recently been released after three years of detention to heop me in procuring Law Books and lending a hand in the defence arrangements. While on his way to Jammu he was arrested, manhandled and put behind the bars again.

"Since the Government had engaged for the prosecution most of the senior local lawyers in the initial stages of the Case, some of the accused were left with the only choice of appointing a junior local lawyer, one Mr. Mohammed Latif. He was of some help to me also in carrying my petitions for submissions to Courts here and in Delhi and sometimes conveying advice to and form a Counsel in Delhi and doing other odd jobs connected with the defence. He was being permitted to interview me in presence of the Jail authorities, after thorough search both on entry into and exit from the Jail premises. But now even he has been denied all contacts with me.

"Before I was included in the Case the other accused had applied for the transfer of the Court from Kud to Srinagar as necessary facilities for the conduct of their defence were not available to them at Kud, so far away from their home-town. This was rejected and the Court was instead ahifted further away to Jammu. One of the plea of the prosecution was that Books and accomodation for the defecne and their lawyers would be easily procurable at Jammu and made available to them. Efforts to procure accomodation at Jammu for the Counset I was engagiang were not allowed to fruitify. Beg Sahib was forced to wite to Bakshi Ghulam Mohammed (copy of this letter enclosed) asking for official assistance in securing suitable accomodation and Mr. Latif was deputed personally to see the Chief Secretary. Not only was no accomodation made available but even a small house belonging to one of the accused was also takan over by the Government and Mr. Latif had perforce to put up in the Dak-Banglow. Apart from scuh a public place being unsuitable for keeping defence documents and prepariang the defence, he was every now and then ordered to vacate which he had to do.

"I was assured of free interviews with my relatives and friends. Interviews with the latte were actually never allowed, as the very first attempt by Mr. Balraj Puri resulted in the unfortunate incident you are aware of. This naturally scared away other friends. As for my relatives, there was my nephew Abdul Majid nominated by me to look after my defence arrangements, who used to see me of and on. He was searched both on entry into and exit from the Jail and interviewed me in my room in presence of Jail authorities. For son Tariq, who has not seen me for over six montsh now, came all the way from Delhi. He with my nephew Nazir who had come to see me from Srinagar werr not allowed the interview either.

"The lastest plea for refusal of these interviewes is that the interviewers cannot be allowed inside the jail. The building is a conversion from an old godown and does not have any interview room. One scuh room is under construction but pending its completioin, the jail authorities introduced the system of holding interviews in our respective rooms in their presence and after the intervieweres were thorougly searched. This system is sought to be changed now and the accused taken out of the jail premises, searched in the most degrading way possible and asked to hold interviews in the small office rooms of the Jail superintendent in his presence and that of his Staff with Central Reservee Police personnel all around. I have naturally refused to subject syself to this humiliaiton.

"These are some of the facts that show that all possible difficulties are being created to sabotage my defence arrangements. I repeatedly brought these difficulties to the notice of the Magistrate, and my latest attempt in this connection is an application to him, copy whereof is enclosed herewith. But actually nothing has availed."

Press Statement

By Legal Aid Committee

(6th April, 1961)

"The Legal Aid Committee* recently set up to assist the persons accused in the various Kashmir cases greatly regret the action of the Government of that Stae in servng externment orders on Kumari Mridula Sarabhai to prevent her entry into State. Such orders, unaccompanied by a statement of grounds on which they are

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* On 10th December 1960, A Legal Aid Committee was announced in Delhi with the following as its members :

1. Sir C. P. Ramaswami Aiyar
2. Sir Sultan Ahmed
3. Sri Porus A. Mehta
4. Sri A. M. Khawaja
5. Sri B. K. Khanna
6. Sri B. Shiva Rao

Their sole anxiety is "to ensure in Jammu and Kashmir the same rights and facilities to the accused in regard to the administtation of justice as are available in the rest of India."

Based, are bound to increase the natural suspicion that the State Authorities regard her activities in connection with the defence of the accused as objectionable. The petitions filed by Maulana Saeed Masoodi in the Hazratbal Case and by Sheikh Mohd. Abdullah and others in the Conspiracy Case are clear evidence that the externment order served on Kashmir Sarabhai has resulted in placing further restriction on their defence.

"In a statement issued some weeks ago the Legal Aid Committee had urged the State Government of Jammu and Kashmir to expedite in all posible ways the completion of the trials now in progress and to ensure to the accused all the facilities to which persons charged with offences, however serious, are entitled under the laws of the land throughout the country.

"Sheikh Mohd. Abdullah and several of his associates were first detained under the Preventie Detention Act early in August, 1953. Except for broken periods not exceeding a few months in most cases, these men have been denied freedom either as detenus or as under-trial prisoners already for over seven years, and the end of these trials is yet in sight.

> "In the name of justice the committee earnestly appeals to the Government of Jammu and Kashmir to realize that such protracted traials are grossly unfair to the accused and constitute a discreditable blot on thje standards of administration in the State."

Press Note

By Secretary, Legal Defence Committee

"The All Jammu and Kashmir Legal Defence Committee condemns the recent externment order served on Miss Mridula Sarabhai by the Jammu and Kashmir Government whereby her entry in the State has been banned for a period of one year.

"Miss Mridual Sarabhai was affording legal help to the accused in the Kashmir Conspiracy Case and the Hazratbal Case. This has been made obvious by an application made by the accused in Kashmir Conspiracy Case before Shri N. K.

Hak, special Magistrate Jammu. The calims of the Jammu and Kashmir Government that the accused in various cases are given full facilities for their defence stand fully exposed by this step taken agaisnt Miss Mridula Sarabhai.

"The accused in Kashmir Conspiracy Case have themselves pleaded in thir application that this act of the Jammu and Kashmir Government has prejudiced their right of defence and created complication hindering the defence work to a great extent. The Legal Defence Committee condemns this action of the Government and considers it illegal and uncalled for. This goes agaisnt the very basic principles of the rule of law and smacks of an attiude that is whimsical and dictatorial in character.

"The Legal Defence Committee* hopes that rule of law will be honoured by the authorities that he and this monstrous order will be withdrawn forthwith so that the accused involved in the various cases are afforded full opportunities to defend themselves."

11th April, 1961.

Sd/-Ghulam Mohd. Shah
Secretary,
Legal Defence Committee,
J & K State

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* The Legal Defence Committee J & K State was first formed in 1958 by Sheikh Mohommad Abdullah. During the first 2 years number of times its Members were taken into detention.

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